

**PROPOSED TEXT OF REGULATIONS
UNIVERSAL WASTE
Department Reference Number: R-2006-02**

Legend: Changes are shown from the existing text of California Code of Regulations, title 22, as:

Underline	<u>underline</u>	Additions to existing text
Strikeout	strikeout	Deletions to existing text

For the convenience of the reader, existing text (May 2004) is shown as plain text and text deleted from existing text is shown as strikeout (~~strikeout~~). Added text is shown as underline (underline).

Amend California Code of Regulations, title 22, division 4.5, Table of Contents by adding sections 66260.201 and 66260.202 and amending chapters 11 and 23 to read as follows:

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Amend California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.10 to read:

§ 66260.10. Definitions.

Additional definitions applicable to management of universal wastes are found in section 66273.9. When used in this division, the following terms have the meanings given below:

“Cathode ray tube” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“CRT” see “Cathode ray tube.”

“CRT device” means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers and oscilloscopes.

“Electronic device” means any electronic device that is identified as hazardous waste because it either exhibits the characteristic of toxicity as specified in article 3 of chapter 11 of this division, and/or is a listed hazardous waste as specified in article 4.1 of chapter 11 of this division. Examples of electronic devices include: computer monitors, televisions, cash registers and oscilloscopes (CRT devices), computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. Electronic device does not mean a major appliance, as defined in Public Resources Code section 42166, or other devices which are comprised largely of metals, qualify as “scrap metal” as defined in this section, and are recycled.

“Hazardous waste” means a hazardous waste as defined in section 66261.3 of this division. “Hazardous waste” includes acutely hazardous waste, extremely hazardous waste, acutely hazardous waste, non-RCRA hazardous waste, RCRA hazardous waste, non-RCRA hazardous waste and special waste and universal waste.

“Mercury-containing motor vehicle light switch” means any motor vehicle light switch found in the hood or in the trunk lid of a motor vehicle, if that the light switch contains mercury.

“Universal waste” means any of the wastes that are listed in section 66261.9.

NOTE: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25214.9, 25218.3(d), 25316 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25229, 25316, 25361, 25501, 25529 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 264.552, 264.1031, 268.2, 270.2 and 273.6.

Amend California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.23 to read:

§ 66260.23. Factors for Petitions to Include Other Wastes Under Chapter 23.

The Director will evaluate petitions submitted under section 66260.22 using the following factors:

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in article 4 of chapter 11 of this division, or if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in article 3 of chapter 11 of this division. [When a characteristic waste is added to the universal waste regulations in chapter 23 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in section 66273.9 of chapter 23 will be amended to include only hazardous waste portions of the waste category (e.g., hazardous waste batteries).] Thus, only the portion of the waste stream that exhibits one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of chapter 23;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, governmental organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to sections ~~66273.43~~, 66273.33, 66273.33.5, and 66273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or waste category under chapter 23 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal wastestream, non-hazardous industrial or commercial wastestream, municipal sewer or stormwater systems) to recycling, treatment or disposal in compliance with this division and division 20 of the California Health and Safety Code;

(g) Regulation of the waste or category of waste under chapter 23 will improve implementation of and compliance with the hazardous waste regulatory program; and/or;

(h) Such other factors as may be appropriate.

NOTE: Authority cited: Sections 25159 and 58012, Health and Safety Code.
Reference: Section 25159, Health and Safety Code; and 40 CFR Section 273.81.

Add California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.202 to read:

§66260.201. Classification of an Electronic Device as a Covered Electronic Device.

(a) Subsequent to the dates set forth in Health and Safety Code section 25214.10.1, subdivision (d)(1) or (d)(2) as appropriate, an electronic device that is listed in subsection (e) of this section and in subsection (c) of appendix X to chapter 11 of this division is a "covered electronic device" pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq. unless the manufacturer of the electronic device has obtained the Department's concurrence that the electronic device is nonhazardous pursuant to subsection (d) of this section. Upon issuance of the Department's concurrence, the electronic device shall cease to be a covered electronic device. Health and Safety Code section 25214.10.1, subdivision (e)(1), prescribes the date on which the electronic device is no longer subject to chapter 8.5 of part 3 of division 30 of the Public Resources Code.

(b)(1) Each manufacturer of electronic devices sold in the State shall determine if it produces any electronic device(s) of the types listed in subsection (c) of appendix X of chapter 11 of this division, and if so, shall send an annual notice to retailers and the Board of Equalization pursuant to Health and Safety Code section 25214.10.1, subdivisions (c)(1) and (c)(2). The notice shall include all covered electronic devices listed in subsection (e) of this section that are manufactured by the manufacturer and shall include the information specified in subsection (b)(3) of this section.

(2) A manufacturer who distributes any covered electronic device for which a notice was not provided as required in subsection (b)(1) of this section, shall provide the notice to the retailer(s) no later than the date the retailer(s) first receives the covered electronic device. A manufacturer who provides a notice pursuant to subsection (b)(2) of this section remains subject to penalties for any noncompliance with subsection (b)(1) of this section.

(3) The notice shall include all of the following:

(A) The brand name(s) of each covered electronic device.

(B) A general description of each covered electronic device [e.g., cathode ray tube (CRT)-television, laptop computer, liquid crystal display (LCD)-monitor, etc.].

(C) The viewable screen size for each covered electronic device. As used in this section, viewable screen size means the diagonal measurement of the output surface, as viewed by the operator of the covered electronic device, excluding any plastic, wood, metal, or other bezel material that surrounds the video display surface.

(D) At least one of the following: the product group or family, model number or series, part number or series, or a similar descriptor for each covered electronic device that will enable the retailer(s) to determine that the electronic device is a covered electronic device. For example, a notification could include a statement such as "All (brand name) XYZ series, 15-inch through 21-inch, LCD-desktop computer monitors and all bundled computer systems containing these monitors," rather than delineating each XYZ monitor individually.

(c) A manufacturer who incorrectly determines that a product it produces is not a listed electronic device or fails to make a notification pursuant to subsection (b) of this section is in violation of the requirements of this division.

(d) A manufacturer may determine that it produces an electronic device which is listed in subsection (e) of this section but which is nonhazardous, and if so, may apply to the Department for concurrence with its nonhazardous determination through the procedure set forth in section 66260.200(d).

(e) The following electronic devices are covered electronic devices pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in subsec. (b)(3)(C) of this section] greater than four inches:

(1) CRT-containing devices (CRT devices);

(2) CRTs;

(3) CRT-containing computer monitors;

(4) LCD-containing laptop computers;

(5) LCD-containing desktop monitors;

(6) CRT-containing televisions;

(7) LCD-containing televisions (excluding LCD projection televisions);

(8) Plasma televisions (excluding plasma projection televisions); and

(9) Portable DVD players with LCDs.

NOTE: Authority cited: Sections 25140, 25141, 25214.9 and 25214.10.1, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25140, 25141, 25214.9 and 25214.10.1, Health and Safety Code; Section 42463, Public Resources Code.

Add California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.202 to read:

§66260.202 Restrictions on the Use of Heavy Metals in Covered Electronic Devices.

(a) On or after January 1, 2007, no person shall sell or offer for sale in California, a covered electronic device if the device is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture due to the concentration of one or more heavy metals in the device exceeding its maximum concentration value, as specified in the Commission of European Communities' Decision of August 18, 2005, amending Directive 2002/95/EC (European Union document 2005/618/EC), or as specified in a subsequent amendment to the Directive.

(b) The prohibition in subsection (a) applies only to a covered electronic device that is manufactured on or after January 1, 2007.

(c) The prohibition in subsection (a) does not apply to a covered electronic device that is sold or offered for sale in California only for purposes of resale or offering for resale to persons outside of California.

(d) In determining the concentrations of metals for compliance with subsection (a), the Department shall not consider any cadmium, chromium, lead, or mercury, or any component containing any of those metals, which has been exempted by Directive 2002/95/EC, or by an amendment to the Directive.

(e) The prohibition established by subsection (a) of this section does not apply to a covered electronic device that would be prohibited from sale or being offered for sale in California based solely on metals used to meet consumer, health or safety requirements.

NOTE: Authority cited: Sections 25214.10 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Section 25214.10, Health and Safety Code; Section 42465.2, Public Resources Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.4 to read:

Chapter 11

§66261.4. Exclusions.

(b) Wastes which are not hazardous wastes. The following wastes are not hazardous wastes:

(1) infectious waste which consists solely of the carcasses of animals, which is not otherwise hazardous, and which is handled, stored and disposed of according to all applicable requirements established by the Department of Food and Agriculture pursuant to provisions of chapter 1, part 1, division 5 (commencing with section 9101) and of chapter 5, part 3, division 9 (commencing with section 19200) of the Food and Agricultural Code;

(2) materials which are exempted or excluded from classification as solid waste or hazardous waste pursuant to 40 CFR section 261.4 if provided they are not listed in article 4.1, and do not exhibit a characteristic of a hazardous waste as set forth in article 3 of this chapter;

(3) used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products-;

(4) ~~U~~ used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

NOTE: Authority cited: Sections 25140, 25141, 25150, 25158.4, 25159, 25159.5, 58004 and 58012, Health and Safety Code. Reference: Sections 25117, 25212, 25124, 25140, 25141, 25143, 25143.1, 25143.2, 25143.4(a), 25143.11, 25158.2, 25158.3, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 261.4.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.9 to read:

§66261.9. Requirements for Universal Waste.

(a) The hazardous wastes listed in this section are exempt from the management requirements of chapter 6.5 of division 20 of the ~~California~~ Health and Safety Code and its implementing regulations except as specified in chapter 23 and, therefore, are not fully regulated as hazardous wastes. The wastes listed in this section are subject to regulation pursuant to ~~under~~ chapter 23 and shall be known as “universal wastes.”

- (1) Batteries, as described in section 66273.2, subsection (a);
 - (2) ~~Thermostats~~ Electronic devices, as described in section 66273.3, subsection (a);
 - (3) Mercury-containing equipment, as described in section 66273.4, subsection (a);
 - (4) ~~(3)~~ Lamps, as described in section 66273.5, subsection (a) (including, but not limited to, M003 wastes);
 - (5) ~~(4)~~ Cathode ray tubes ~~materials~~, as described in section 66273.6, subsection (a);
 - (6) Cathode ray tube glass, as described in section 66273.7, subsection (a); and
 - (7) ~~Consumer electronic devices as described in section 66273.3;~~
 - (8) ~~Aerosol cans, as specified in Health and Safety Code section 25201.16;~~
 - (9) ~~Mercury-containing motor vehicle light switches as specified in Health and Safety Code section 25214.5~~
(M001 Wastes) and motor vehicles that contain such switches, as described in section 66273.7.1;
 - (10) ~~Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~
 - (11) ~~Dental amalgam wastes, as described in section 66273.7.3;~~
 - (12) ~~Mercury-containing pressure or vacuum gauges, as described in section 66273.7.4;~~
 - (13) ~~Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~
 - (14) ~~Mercury counterweights and dampers, as described in section 66273.7.6;~~
 - (15) ~~Mercury thermometers, as described in section 66273.7.7;~~
 - (16) ~~Mercury dilators and weighted tubing, as described in section 66273.7.8;~~
 - (17) ~~Mercury-containing rubber flooring, as described in section 66273.7.9, and~~
 - (18) ~~Mercury gas flow regulators, as described in section 66273.7.10.~~
- (b) Unless specified otherwise in section 66273.60, Universal wastes shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division after upon arrival at a destination facility.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25214.10.1, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25117.2, 25141, 25150, 25159.5, 25180 – 25196, 25214.5,

25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 261.9.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, Article 4.1 to read:

Article 4.1 Additional Lists of Hazardous Wastes

§66261.50. Mercury-Containing Products That Are Hazardous Wastes When Discarded.

The following mercury-containing products are listed hazardous wastes when discarded:

California Hazardous Waste Number	Hazardous Waste
M001	Mercury-containing motor vehicle light switches, as defined in section 66273.9, and any motor vehicle or portion of a motor vehicle that contains such switches, when any person decides to crush, bale, shred, or shear the vehicle. Motor vehicles and portions of motor vehicles from which all mercury-containing light switches have been removed are not included in this category. A light switch that cannot be removed from a vehicle due to accidental damage to the vehicle is not included. This listing becomes effective on January 1, 2005.
M002	Non-automotive mercury switches and any product that contains such switches. Includes any mercury switch that does not meet the listing description for M001, including but not limited to, mercury switches from household appliances and household appliances from which mercury switches have not been removed; relays; silent wall switches; and float switches. Also includes mercury-containing flame sensors and household appliances from which all mercury flame sensors have not been removed. Appliances and other products from which all mercury switches and flame sensors have been removed are not included in this category. This listing becomes effective on February 9, 2006.

M003	Lamps that contain intentionally-added mercury and products <u>(or devices)</u> with lamps that contain intentionally added mercury. A lamp is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum. Products from which all mercury-containing lamps have been removed are not included in this category. This listing does not apply to liquid crystal displays (LCDs) with mercury back lighting, products that contain such LCDs, or vehicles that contain mercury-added lamps. This listing becomes effective on February 9, 2004.
M004	Mercury-added novelties, as defined in section 66273.9 (other than novelties with mercury switches, which meet the listing description for M002, and novelties with mercury-containing lamps, which meet the listing description for M003). Includes, but is not limited to, novelties painted with mercury-containing paints. This listing becomes effective on January 1, 2004.

NOTE: Authority cited: Sections 25140, 25214.10.1, and 58012, Health and Safety Code. Reference: Sections 25140 and 25212, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 11, article 5, Appendix X to read:

Appendix X

List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials

(c) This subsection sets forth a list of electronic devices that are presumed to be hazardous wastes and that are “covered electronic device[s]” pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in sec. 66260.201, subsec. (b)(3)(C)] greater than four inches, unless it is determined that an electronic device is not a hazardous waste pursuant to the procedures set forth in section 66262.11. The hazardous characteristic that serves as a basis for listing the common names of electronic devices is toxicity.

(1) Cathode ray tube (CRT)-containing devices (CRT devices);

(2) CRTs;

(3) CRT-containing computer monitors;

(4) Liquid crystal display (LCD)-containing laptop computers;

(5) LCD-containing desktop monitors;

(6) CRT-containing televisions;

(7) LCD-containing televisions (excluding LCD projection televisions);

(8) Plasma televisions (excluding plasma projection televisions); and

(9) Portable DVD players with LCDs.

NOTE: Authority cited: Sections ~~208, 25140, and 25141~~, 25214.9 and 25214.10.1, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections ~~25115, 25117, 25140, and 25141~~, 25214.9 and 25214.10.1, Health and Safety Code; Section 42463, Public Resources Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 14, section 66264.1 to read:

Chapter 14. Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

Article 1. General

§66264.1. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to establish minimum standards which define the acceptable management of hazardous waste.

(b) The standards in this chapter apply to owners and operators of all facilities which transfer, treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) The requirements of this chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et seq.) only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division. Such person shall comply with the requirements of chapter 14 of this division when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

(d) ~~(Reserved)~~ The standards in this chapter apply to owners and operators of all destination facilities, as defined in section 66273.9, that transfer, treat, store, or dispose of universal waste listed in section 66261.9, except as specifically provided otherwise in section 66273.60, subsections (b) and (c).

(e) The requirements of this chapter apply to the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division.

(f) (Reserved)

(g) The requirements of this chapter do not apply to:

(1) (reserved);

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section 66262.34 of this division;

(4) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(5) (reserved);

(6) (reserved);

(7) (reserved);

(8)(A) except as provided in subsection (g)(8)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (g)(8)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities;

(9) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(10) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 are complied with;

(11) persons managing hazardous waste in a hazardous waste management unit not subject to 40 CFR Part 264 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 CFR Section 264.1(g), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(12) Persons universal waste handlers and universal waste transporters, as defined in chapter 23 of this division, who manage universal waste as listed in section 66261.9. These ~~persons universal waste handlers and universal waste transporters~~ are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

(h) The requirements of this chapter apply to owners or operators of all facilities that transfer, treat, store, or dispose of hazardous wastes referred to in chapter 18 of this division.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 264.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 15, section 66265.1 to read:

Chapter 15. Interim Status Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

Article 1. General

§66265.1. Purpose, Scope, and Applicability.

(a) The purpose of this chapter is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in section 66265.1080(b), the standards of this chapter, and of article 15.5 of chapter 14 of this division, apply to owners and operators of facilities that transfer, treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Health and Safety Code section 25200.5 and section 66270.10 of this division until either a permit is issued under Health and Safety Code section 25200 or until applicable closure and post-closure responsibilities specified in this chapter are fulfilled, and those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by 42 U.S.C. section 6930(a) and/or failed to file Part A of the permit application as required by section 66270.10(e) and (g). These standards apply to all transfer, treatment, storage and disposal of hazardous waste at these facilities, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) Notwithstanding subsection (b), no facility shall operate under interim status if the owner or operator has failed to file Part A of the permit application as required by section 66270.10(e) and (g). A facility operating under interim status shall not:

(1) manage hazardous wastes which are not specified in Part A of the permit application;

(2) employ processes not described in Part A of the permit application; or

(3) exceed the design capacities specified in Part A of the permit application.

(d) The standards in this chapter apply to owners and operators of all destination facilities, as defined in section 66273.9, that transfer, treat, store, or dispose of universal waste listed in section 66261.9, except as specifically provided otherwise in section 66273.60, subsections (b) and (c).

(e) The requirements of this chapter do not apply to:

(1) a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et. seq). Such person shall comply with the requirements of this chapter when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this section;

(2) [reserved];

(3) the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste;

(4) [reserved];

(5) [reserved];

(6) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(7) a generator accumulating waste on-site in compliance with section 66262.34 of this division, except to the extent the requirements are included in section 66262.34 of this division;

(8) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(9) [reserved];

(10) [reserved];

(11)(A) except as provided in subsection (d)(11)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;
2. an imminent and substantial threat of a discharge of a hazardous waste;
3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (d)(11)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities.

(12) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(13) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and sections 66265.17(b), 66265.171, and 66265.172 are complied with;

(14) persons managing hazardous waste in a hazardous waste management unit not subject to 40 CFR Part 265 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 CFR section 265.1(c), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(15) Persons universal waste handlers and universal waste transporters, as defined in chapter 23 of this division, who manage universal waste as listed in section 66261.9. These persons universal waste handlers and universal waste transporters are subject to regulation under chapter 23 when managing universal

wastes listed in section 66261.9 of this division.

(ef) The owner or operator of a facility under subsections (d)(1) through (3) of this section shall be subject to the requirements of chapter 14 of this division to the extent they are included in a permit granted to such a person under 40 CFR Part 122 or under Subchapter H (commencing with Part 220) of chapter I of 40 CFR.

(fg) The following hazardous wastes shall not be managed at facilities subject to regulation under this chapter:

(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:

(A) the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(B) the waste is stored in tanks or containers;

(C) the waste is stored or treated in waste piles that meet the requirements of section 66264.250(c) as well as all other applicable requirements of article 12 of this chapter;

(D) the waste is burned in incinerators that are certified pursuant to the standards and procedures in section 66265.352; or

(E) the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in section 66265.383.

(gh) The requirements of this chapter apply to owners or operators of all facilities which transfer, treat, store or dispose of hazardous waste referred to in chapter 18 of this division, and the chapter 18 standards are considered material conditions or requirements of the chapter 15 interim status standards.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25118, 25141, 25150, 25159, 25159.5, 25200.5, 25219, 25219.1 and 25219.2, Health and Safety Code; and 40 CFR Section 265.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.1 to read:

Chapter 23. Standards for Universal Waste Management

Article 1. General

§66273.1. Scope.

(a) This chapter establishes requirements for managing universal wastes, as defined in section 66273.9. The following universal wastes are subject to regulation pursuant to this chapter:

- (1) Batteries, as described in section 66273.2, subsection (a);
- (2) ~~Thermostats,~~ Electronic devices, as described in section 66273.3, subsection (a);
- (3) Mercury-containing equipment, as described in section 66273.4, subsection (a);
- (4)(3) Lamps, as described in section 66273.5, subsection (a) (including, but not limited to, M003 Wastes);
- (5)(4) Cathode ray tubes, materials as described in section 66273.6, subsection (a);
- (6) Cathode ray tube glass, as described in section 66273.7, subsection (a); and
- (5) ~~Consumer electronic devices as described in section 66273.3;~~
- (7)(6) Aerosol cans, as specified in Health and Safety Code section 25201.16;
- (7) ~~Mercury-containing motor vehicle switches [including, but not limited to, mercury-containing motor vehicle light switches as specified in Health and Safety Code section 25214.5 (M001 Wastes), and motor vehicles that contain such switches (M001 Wastes)], as described in section 66273.7.1;~~
- (8) ~~Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~
- (9) ~~Dental amalgam wastes, as described in section 66273.7.3;~~
- (10) ~~Pressure or vacuum gauges, as described in section 66273.7.4;~~
- (11) ~~Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~
- (12) ~~Mercury counterweights and dampers, as described in section 66273.7.6;~~
- (13) ~~Mercury thermometers, as described in section 66273.7.7;~~
- (14) ~~Dilators and weighted tubing, as described in section 66273.7.8;~~
- (15) ~~Mercury-containing rubber flooring, as described in section 66273.7.9; and~~
- (16) ~~Mercury gas flow regulators, as described in section 66273.10.~~

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes pursuant to under chapters 10 through 16, 18, and 20 through 22 of this division. The alternative management standards of articles 1 through 3 of this chapter do not apply to destination facilities, as defined in section 66273.9, except as otherwise specified in section 66273.60, subsections (b) or (c).

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9,

25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.1.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.2 to read:

§66273.2. Applicability--Batteries.

(a) Batteries covered pursuant to ~~under~~ chapter 23. The requirements of this chapter apply to persons managing batteries, as ~~described~~ defined in section 66273.9, except those listed in subsection (b) of this section.

(b) Batteries not covered pursuant to ~~under~~ this chapter. The requirements of this chapter do not apply to persons managing the following batteries:

(1) Automotive-type spent lead-acid storage batteries. Automotive-type spent lead-acid storage batteries ~~are~~ shall be managed pursuant to ~~under~~ article 7 of chapter 16 of this division. Small sealed lead-acid storage batteries are not automotive-type lead-acid storage batteries.

(2) Batteries, ~~as described in section 66273.9~~, that are not yet wastes pursuant to ~~under~~ chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section.

(3) Batteries, ~~as described in Section 66273.9~~, that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division.

(c) Generation of waste batteries.

(1) A used battery becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused batteries.

(A) An unused battery that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) ~~the handler decides to discard it.~~

(B) An unused battery that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.2.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.3 to read:

§66273.3. Applicability--~~Consumer~~ Electronic Devices.

(a) ~~Consumer~~ Electronic devices covered pursuant to ~~under~~ chapter 23.

(1) The requirements of this chapter apply to persons managing ~~consumer~~ electronic devices, as ~~described~~ defined in section 66273.9, except those listed in subsection (b) of this section.

(2) Discarded ~~consumer~~ electronic devices that are hazardous solely because they ~~device~~ exhibits the characteristic of toxicity specified in section 66261.24 and/or are listed in article 4.1 of chapter 11 of this division may be managed as a universal wastes.

(b) ~~Consumer~~ Electronic devices not covered pursuant to ~~under~~ this chapter 23. The requirements of this chapter do not apply to persons managing the following ~~consumer~~ electronic devices:

(1) ~~Consumer~~ Electronic devices that are not yet wastes pursuant to ~~under~~ chapter 11 of this division. Subsection (c) of this section describes when ~~consumer~~ electronic devices become wastes.

(2) ~~Consumer~~ Electronic devices that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and that are not otherwise identified as hazardous waste pursuant to chapter 11 of this division.

(3) Electronic devices that exhibit any characteristic of a hazardous waste other than the characteristic of toxicity. Such electronic devices shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(4) Electronic devices that are destined for recycling (or are recycled) by being "used in a manner constituting disposal," as described in section 66266.20, or that are destined for disposal (or are disposed) to a class I landfill. Such electronic devices shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(5) Electronic devices that are managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(6) Electronic devices that were previously identified as wastes pursuant to chapter 11, but are no longer identified as wastes (e.g., a discarded electronic device that is refurbished and is returned to service).

(c) Generation of waste ~~consumer~~ electronic devices.

(1) A used ~~consumer~~ electronic device becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused electronic devices.

(A) An unused ~~consumer~~ electronic device that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) the handler decides to discard it.

(B) An unused electronic device that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(d) A respondent in an action to enforce regulations implementing this division who claims that an electronic device is not a waste bears the burden of demonstrating that there is a known market or disposition for its use as an electronic device.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9 and 58012, Health and Safety Code; and Section 42475, Public Resources Code.
Reference: Sections 25141, 25150, ~~and~~ 25159.5, 25201 and 25214.9, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.4 to read:

§66273.4. Applicability—Mercury-Containing Equipment Thermostats.

~~(a) Thermostats covered under chapter 23. The requirements of this chapter apply to persons managing thermostats, as described in section 66273.9, except those listed in subsection (b) of this section.~~

~~(b) Thermostats not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following thermostats:~~

~~(1) Thermostats that are not yet wastes under chapter 11. Subsection (c) of this section describes when thermostats become wastes.~~

~~(2) Thermostats that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.~~

~~(c) Generation of waste thermostats.~~

~~(1) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).~~

~~(2) An unused thermostat becomes a waste on the date the handler decides to discard it.~~

(a) Mercury-containing equipment covered pursuant to chapter 23. Except as provided in subsection (b) of this section, the requirements of this chapter apply to persons managing the following mercury-containing equipment:

(1) Thermostats, as defined in section 66273.9.

(2) Mercury switches:

(A) Mercury-containing motor vehicle light switches, as defined in section 66273.9, that meet listing description M001 in section 66261.50, motor vehicles that contain such switches, and portions of motor vehicles that contain such switches;

(B) Non-automotive mercury switches, as defined in section 66273.9, that meet listing description M002 in section 66261.50, and products that contain such switches.

(3) Dental amalgam, as defined in section 66273.9.

(4) Pressure or vacuum gauges, as defined in section 66273.9.

(5) Mercury-added novelties, as defined in section 66273.9 that meet listing description M004 in section 66261.50.

(6) Mercury counterweights and dampers, as defined in section 66273.9, and products containing mercury counterweights and dampers.

(7) Thermometers, as defined in section 66273.9.

(8) Dilators and weighted tubing, as defined in section 66273.9.

(9) Mercury-containing rubber flooring, as defined in section 66273.9.

(10) Gas flow regulators, as defined in section 66273.9.

(b) Mercury-containing equipment not covered pursuant to this chapter. The requirements of this chapter do not apply to persons managing the following mercury-containing equipment:

(1) Mercury-containing equipment that is not yet a waste pursuant to chapter 11 of this division. Subsection (c) of this section describes when mercury-containing equipment becomes a waste.

(2) Mercury-containing equipment that does not exhibit a characteristic of a

hazardous waste as set forth in article 3 of chapter 11 and is not listed in article 4.1 of chapter 11 of this division.

(3) Mercury-containing equipment from which the mercury-containing components have been removed (e.g., motor vehicles, motor vehicle switches, novelties). (If it exhibits a characteristic of a hazardous waste in article 3 of chapter 11, such equipment is regulated as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(4) Switches that do not contain mercury. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(5) Waste mercury-containing equipment other than thermostats, mercury-added novelties containing no liquid mercury, and mercury-containing rubber flooring, that is destined for disposal or is disposed to a class I landfill. Such mercury-containing equipment is regulated as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(6) Waste motor vehicles, portions of motor vehicles, appliances, and portions of appliances from which all mercury light switches have not been removed (other than switches that cannot be removed due to accidental damage to the vehicle), and that are crushed, baled, sheared, or shredded. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such motor vehicles, portions of motor vehicles, appliances, or portions of appliances are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(7) Empty used dental-amalgam capsules. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such dental-amalgam capsules are regulated as hazardous wastes pursuant to chapters 10 through 22 of this division.)

(8) Waste thermometers that do not use the expansion and contraction of a column of mercury to measure temperature. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such thermometers are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(c) Generation of waste mercury-containing equipment.

(1) Used mercury-containing equipment becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) or, for M001 portions of motor vehicles, when the M001 portion is first removed from the motor vehicle.

(2) Unused mercury-containing equipment.

(A) Unused mercury-containing equipment that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) Unused mercury-containing equipment that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(3) A motor vehicle from which any mercury-containing light switches have not been removed becomes a waste on the date the decision is made to crush, bale, shear, or shred it.

(4) Dental-amalgam particles contained in reusable chair side traps, reusable vacuum pump filters, and dental-amalgam separators become wastes on the date they are removed from these traps, filters, and separators.

(5) An unused mercury counterweight or damper, or an unused product containing one or more mercury counterweights or dampers, becomes a waste on the date the decision is made to discard it.

NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code; 40 CFR Section 273.4.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.5 to read:

§66273.5. Applicability--Lamps.

(a) Lamps covered pursuant to under this chapter 23. Except as provided in subsection (b) of this section, ~~t~~The requirements of this chapter apply to persons managing the following:

(1) ~~L~~amps, as ~~described~~ defined in section 66273.9, that exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11 of this division;

~~(2) on or after February 9, 2004:~~

~~(2)(A)~~ Mercury-added lamps, as ~~described~~ defined in section 66273.9, that meet listing description M003 in section 66261.50; and/or

~~(3)(B)~~ Products that contain ~~such~~ lamps and/or mercury-added lamps, ~~except those listed in subsection (b) of this section.~~

(b) Lamps not covered pursuant to under this chapter. The requirements of this chapter do not apply to persons managing the following:

(1) Lamps that are not yet wastes pursuant to under chapter 11 of this division as provided in subsection (c) of this section.

(2) Lamps that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division and do not contain mercury (i.e., lamps that do not meet the listing description for M003 wastes in section 66261.50).

(3) Lamps which are ~~not~~ destined for an ~~authorized recycling facility~~; disposal or are disposed to a class I landfill. ~~Such these~~ lamps are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(4) Vehicles that contain mercury-added lamps, unless such vehicles exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11 of this division.

(5) Waste motor vehicles from which all mercury-added lamps have not been removed that are crushed, baled, sheared, or shredded; ~~(If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, these~~ such motor vehicles are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused lamps.

(A) An unused lamp that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) the handler decides to discard it.

(B) An unused lamp that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5 and 25179.4, Health and Safety Code; 40 CFR Section 273.5.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.6 to read:

§66273.6. Applicability—Cathode Ray Tubes (CRTs) Materials.

(a) ~~CRT materials covered pursuant to under~~ chapter 23. The requirements of this chapter apply to CRT materials, as ~~described~~ defined in section 66273.9, except those listed in subsection (b) of this section.

(b) ~~CRT materials not covered pursuant to under this~~ chapter 23. The requirements of this chapter do not apply to the following CRT materials:

(1) ~~CRT materials that are not yet wastes pursuant to under~~ chapter 11 as provided in subsection (c) of this section;

(2) ~~CRT materials that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division;~~

(3) ~~CRT materials that are destined for recycling (or are recycled) by being “used in a manner constituting disposal,” as described in section 66266.20, or that are destined for disposal (or are disposed) to a class I landfill. Such in which case the CRT materials shall be managed as hazardous wastes pursuant to under chapters 10 through 16, 18, and 20 through 22 of this division;~~

(4) ~~CRT materials that are managed as hazardous wastes pursuant to under~~ chapters 10 through 16, 18, and 20 through 22 of this division;

~~(5) CRT materials exempted pursuant to subsection 66273.8(c);~~

~~(5)(6)~~ CRT materials that were previously wastes pursuant to under chapter 11 of this division, but are no longer wastes (e.g., a discarded CRT device that is refurbished and is returned to service).

(c) Generation of waste CRT materials.

~~(1) A CRT device or CRT becomes a waste on the date when the earlier of the following occurs:~~

~~(1)(A) The owner discards # the CRT; or~~

~~(2)(B) The CRT or the CRT in the CRT device is physically cracked, broken, or shattered.~~

~~(2) CRT glass released or derived from a CRT or a CRT device becomes a waste on the date that the CRT glass is released or derived from the CRT or the CRT device.~~

(3) Unused CRTs.

(A) An unused CRT that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) An unused CRT that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9 and 58012, Health and Safety Code; and Section 42475, Public Resources Code.
Reference: Sections 25141, 25150, and 25159.5, 25201 and 25214.9, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7 to read:

§66273.7. ~~[Reserved.]~~ Applicability – Cathode Ray Tube (CRT) Glass.

(a) CRT glass covered pursuant to chapter 23. The requirements of this chapter apply to CRT glass, as defined in section 66273.9, except CRT glass listed in subsection (b) of this section.

(b) CRT glass not covered pursuant to this chapter. The requirements of this chapter do not apply to the following CRT glass:

(1) CRT glass that is not yet a waste pursuant to chapter 11 of this division as provided in subsection (c) of this section;

(2) CRT glass that does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division;

(3) CRT glass that is destined for recycling (or is recycled) by being “used in a manner constituting disposal,” as described in section 66266.20, or that is destined for disposal (or is disposed) to a class I landfill. Such CRT glass shall be managed as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; and

(4) CRT glass that is managed as a hazardous waste pursuant to chapters 10, 16, 18, and 20 through 22 of this division.

(c) Generation of waste CRT glass.

(1) CRT glass becomes a waste on the date when CRT glass is released or derived from a CRT or a CRT device.

(2) Unused CRT glass.

(A) Unused CRT glass that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) Unused CRT glass that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, ~~and~~ 25159.5, 25201 and 25214.9, Health and Safety Code.

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.1 to read:

§66273.7.1. [Reserved.] ~~Applicability--Motor Vehicles That Contain Mercury Switches and Switches Removed from Motor Vehicles.~~

~~(a) Switches and vehicles covered under chapter 23. Except as provided in subsection (b), the requirements of this chapter apply to persons managing the following:~~

~~(1) Mercury-containing motor vehicle switches, as described in section 66273.9, that exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.~~

~~(2) On or after January 1, 2005:~~

~~(A) mercury-containing motor vehicle light switches, as described in section 66273.9, that meet listing description M001 in section 66261.50;~~

~~(B) motor vehicles that contain such switches; and~~

~~(C) portions of motor vehicles that contain such switches.~~

~~(b) Switches and vehicles not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following:~~

~~(1) Mercury-containing motor vehicle switches that are not wastes under chapter 11. Subsection (c) of this section describes when motor vehicle switches become wastes.~~

~~(2) Motor vehicle switches that do not contain mercury.~~

~~(3) Motor vehicles and portions of motor vehicles from which all mercury-containing light switches have been removed.~~

~~(4) Waste mercury-containing motor vehicle switches that are not destined for an authorized recycling facility; these switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(5) Waste motor vehicles and portions of motor vehicles from which all mercury light switches have not been removed (other than switches that cannot be removed due to accidental damage to the vehicle), and that are crushed, baled, sheared, or shredded. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, these motor vehicles or portions of motor vehicles are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)~~

~~(c) Generation of waste mercury-containing motor vehicle switches and waste motor vehicles with mercury light switches.~~

~~(1) A used mercury-containing motor vehicle switch becomes a universal waste on the date a handler removes it from a motor vehicle and decides to discard it.~~

~~(2) On or after January 1, 2005, a motor vehicle from which any mercury-containing light switches have not been removed becomes a universal waste on the date any person decides to crush, bale, shear, or shred it.~~

~~(3) An unused mercury-containing motor vehicle switch becomes a waste on the date the handler decides to discard it.~~

NOTE: Authority cited: Sections 25141, 25150, 25214.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5 and 25214.6, Health and Safety Code.

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.2 to read:

§66273.7.2. [Reserved.] ~~Applicability--Products That Contain Mercury Switches and Switches Removed from Products.~~

~~(a) Switches and products covered under chapter 23. Except as provided in subsection (b), the requirements of this chapter apply to persons managing the following:~~

~~(1) Non-automotive mercury switches, and products that contain such switches, as described in section 66273.9, that exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.~~

~~(2) On or after February 9, 2006, non-automotive mercury switches, and products that contain such switches, as described in section 66273.9, that meet listing description M002 in section 66261.50.~~

~~(b) Switches and products not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following:~~

~~(1) Non-automotive mercury switches, and products that contain such switches that are not wastes under chapter 11. Subsection (c) of this section describes when non-automotive mercury switches, and products that contain such switches, become wastes.~~

~~(2) Non-automotive switches, and products that contain such switches that do not contain mercury.~~

~~(3) Until February 8, 2006, products that contain non-automotive mercury switches that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.~~

~~(4) Products from which all non-automotive mercury switches have been removed.~~

~~(5) Waste non-automotive mercury switches that are not destined for an authorized recycling facility; these switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(6) Waste appliances and portions of appliances from which all non-automotive mercury switches have not been removed and that are crushed, baled, sheared, or shredded. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, these appliances are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)~~

~~(c) Generation of waste non-automotive mercury switches and waste products with mercury switches.~~

~~(1) A used non-automotive mercury switch becomes a universal waste on the date a handler discards it or removes it from a product in order to discard it.~~

~~(2) A product that contains one or more non-automotive mercury switches becomes a universal waste on the date the owner discards the product.~~

~~(3) An unused non-automotive mercury switch becomes a waste on the date the handler decides to discard it.~~

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety

~~Code. Reference: Sections 25141, 25150, 25159.5 and 25212, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.3 to read:

§66273.7.3. [Reserved.] ~~Applicability--Dental Amalgam Wastes.~~

~~(a) Dental amalgam wastes covered under chapter 23. The requirements of this chapter apply to persons managing dental amalgam wastes, as described in section 66273.9, except those listed in subsection (b) of this section.~~

~~(b) Dental amalgam wastes not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following dental wastes:~~

~~(1) Dental amalgam that is not waste under chapter 11. Subsection (c) of this section describes when dental amalgam becomes waste.~~

~~(2) Empty used amalgam capsules.~~

~~(3) Waste dental restorative materials that do not contain mercury.~~

~~(4) Dental amalgam wastes that are not destined for an authorized recycling facility; these wastes are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of dental amalgam wastes.~~

~~(1) Teeth that contain dental amalgam restorations become universal wastes on the date they are discarded.~~

~~(2) Scrap dental amalgam, including excess mix, becomes universal waste on the date it is discarded.~~

~~(3) Amalgam particles contained in reusable chair side traps, reusable vacuum pump filters, and amalgam separators become universal wastes on the date they are removed from these traps, filters, and amalgam separators.~~

~~(4) Disposable chair side traps and vacuum pump filters that contain amalgam particles become universal wastes on the date they are discarded.~~

~~NOTE::Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.4 to read:

§66273.7.4. [Reserved.] ~~Applicability--Mercury-Containing Pressure or Vacuum Gauges.~~

~~(a) Pressure or vacuum gauges covered under chapter 23. The requirements of this chapter apply to persons managing pressure or vacuum gauges, as described in section 66273.9, except those listed in subsection (b) of this section.~~

~~(b) Pressure or vacuum gauges not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following pressure or vacuum gauges:~~

~~(1) Pressure or vacuum gauges that are not wastes under chapter 11. Subsection (c) of this section describes when mercury-containing devices become waste.~~

~~(2) Waste pressure or vacuum gauges that do not contain mercury.~~

~~(3) Waste pressure or vacuum gauges that are not destined for an authorized recycling facility; these gauges are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of waste pressure or vacuum gauges.~~

~~(1) Used pressure or vacuum gauges become wastes on the date they are discarded.~~

~~(2) Unused pressure or vacuum gauges become wastes on the date the handler decides to discard them.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.5 to read:

§66273.7.5. [Reserved.] ~~Applicability--Mercury-Added Novelties.~~

~~(a) Mercury-added novelties covered under chapter 23. Except as provided in subsection (b), the requirements of this chapter apply to persons managing the following:~~

~~(1) Mercury-added novelties, as described in section 66273.9 that exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11.~~

~~(2) On or after January 1, 2004, mercury-added novelties, as described in section 66273.9 that that meet listing description M004 in section 66261.50.~~

~~(b) Novelties not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following novelties:~~

~~(1) Mercury-added novelties that are not wastes under chapter 11. Subsection (c) of this section describes when mercury-containing devices become waste.~~

~~(2) Waste novelties that do not contain mercury.~~

~~(3) Waste mercury-added novelties that contain liquid mercury and are not destined for an authorized recycling facility; these novelties are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of waste mercury-added novelties.~~

~~(1) Used mercury-added novelties become wastes on the date they are discarded.~~

~~(2) Unused mercury-added novelties become wastes on the date the handler decides to discard them.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.6 to read:

§66273.7.6. [Reserved.] ~~Applicability--Mercury Counterweights and Dampers.~~

~~(a) Mercury counterweights and dampers covered under chapter 23. The requirements of this chapter apply to persons managing mercury counterweights and dampers, as described in section 66273.9, and products containing mercury counterweights and dampers, except those listed in subsection (b) of this section.~~

~~(b) Counterweights and dampers not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following counterweights and dampers and products containing counterweights and dampers:~~

~~(1) Mercury counterweights and dampers, and products containing mercury counterweights and dampers that are not wastes under chapter 11. Subsection (c) of this section describes when mercury counterweights and dampers become wastes.~~

~~(2) Waste counterweights and dampers that do not contain mercury and products with counterweights and dampers that do not contain mercury.~~

~~(3) Waste products from which mercury counterweights and dampers have been removed.~~

~~(4) Waste mercury counterweights and dampers that are not destined for an authorized recycling facility; these counterweights and dampers are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of waste mercury counterweights and dampers, and waste products containing mercury counterweights and dampers.~~

~~(1) A used mercury counterweight or damper, or a used product containing one or more mercury counterweights or dampers becomes a waste on the date a handler discards it.~~

~~(2) An unused mercury counterweight or damper, or an unused product containing one or more mercury counterweights or dampers becomes a waste on the date the handler decides to discard it.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.7 to read:

§66273.7.7. [Reserved.] ~~Applicability--Mercury Thermometers.~~

~~(a) Thermometers covered under chapter 23. The requirements of this chapter apply to persons managing thermometers, as described in section 66273.9, except those listed in subsection (b) of this section.~~

~~(b) Thermometers not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following thermometers:~~

~~(1) Mercury thermometers that are not wastes under chapter 11. Subsection (c) of this section describes when mercury thermometers become waste.~~

~~(2) Waste thermometers that do not use the expansion and contraction of a column of mercury to measure temperature.~~

~~(3) Waste mercury thermometers that are not destined for an authorized recycling facility; these thermometers are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of waste thermometers.~~

~~(1) Used thermometers become wastes on the date they are discarded.~~

~~(2) Unused thermometers become wastes on the date the handler decides to discard them.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.8 to read:

§66273.7.8. [Reserved.] ~~Applicability—Mercury Dilators and Weighted Tubing.~~

~~(a) Dilators and weighted tubing covered under chapter 23. The requirements of this chapter apply to persons managing dilators and weighted tubing, as described in section 66273.9, except those listed in subsection (b) of this section.~~

~~(b) Dilators and weighted tubing not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following dilators and weighted tubing:~~

~~(1) Mercury-containing dilators and weighted tubing that are not wastes under chapter 11. Subsection (c) of this section describes when mercury dilators and weighted tubing become waste.~~

~~(2) Waste dilators and weighted tubing that do not contain mercury.~~

~~(3) Waste mercury-containing dilators and weighted tubing that are not destined for an authorized recycling facility; these dilators and weighted tubing are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of waste dilators and weighted tubing.~~

~~(1) Used dilators and weighted tubing become wastes on the date they are discarded.~~

~~(2) Unused dilators and weighted tubing become wastes on the date the handler decides to discard them.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.9 to read:

§66273.7.9. [Reserved.] Applicability--Mercury-Containing Rubber Flooring.

~~(a) Mercury-containing rubber flooring covered under chapter 23. The requirements of this chapter apply to persons managing mercury-containing rubber flooring, as described in section 66273.9, except that listed in subsection (b) of this section.~~

~~(b) Rubber flooring not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following rubber flooring:~~

~~(1) Mercury-containing rubber flooring that is not waste under chapter 11. Subsection (c) of this section describes when mercury-containing rubber flooring becomes waste.~~

~~(2) Rubber flooring that does not contain mercury.~~

~~(c) Generation of waste mercury-containing rubber flooring.~~

~~(1) Used mercury-containing rubber flooring becomes a waste on the date it is discarded.~~

~~(2) Unused mercury-containing rubber flooring becomes a waste on the date the handler decides to discard it.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal and Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.7.10 to read:

§66273.7.10. [Reserved.] ~~Applicability--Mercury-Containing Gas Flow Regulators.~~

~~(a) Mercury-containing gas flow regulators covered under chapter 23. The requirements of this chapter apply to persons managing mercury gas flow regulators, as described in section 66273.9, except those listed in subsection (b) of this section.~~

~~(b) Gas flow regulators not covered under chapter 23. The requirements of this chapter do not apply to persons managing the following gas flow regulators:~~

~~(1) Mercury-containing gas flow regulators that are not wastes under chapter 11. Subsection (c) of this section describes when mercury-containing gas flow regulators become waste.~~

~~(2) Waste gas flow regulators that do not contain mercury.~~

~~(3) Waste mercury-containing gas flow regulators that are not destined for an authorized recycling facility; these gas flow regulators are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.~~

~~(c) Generation of waste mercury-containing gas flow regulators.~~

~~(1) A used mercury-containing gas flow regulator becomes a waste on the date it is discarded.~~

~~(2) An unused mercury-containing gas flow regulator becomes a waste on the date the handler decides to discard it.~~

~~NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.8 to read:

§66273.8. Exemptions.

(a) Temporary disposal exemption for specific universal wastes:

~~(1) Through February 8, 2006, universal waste batteries, universal waste lamps, universal waste mercury thermostats, and universal waste consumer electronic devices produced by a household, as defined in section 66273.9, incidental to owning or leasing and maintaining a place of residence, are not classified as hazardous waste and may be managed as non-hazardous solid waste, provided the wastes are disposed in a landfill permitted to accept municipal solid waste or hazardous waste.~~

~~(2) Through February 8, 2004, 100 kilograms (220 pounds) or less per month of universal waste batteries, universal waste thermostats, and universal waste lamps generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous waste, provided the wastes are disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this section. The quantity limit applies to the total amounts of universal waste batteries, universal waste thermostats, and universal waste lamps added together.~~

~~(3) From February 9, 2004 through February 8, 2006, universal waste batteries, universal waste lamps, and universal mercury thermostats produced by a conditionally exempt small quantity universal waste generator, as defined in section 66273.9, may be managed as non-hazardous solid waste, provided they are managed according to the following criteria:~~

~~(A) Universal wastes are disposed as non-hazardous waste in no more than the following quantities:~~

- ~~1. No more than 30 universal waste lamps in any calendar month; and~~
- ~~2. No more than 20 pounds of universal waste batteries in any calendar month;~~

and

- ~~3. No universal waste thermostats.~~

~~(B) The generator's total generation of RCRA hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds) of acutely hazardous waste, in any calendar month.~~

~~(C) The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and~~

~~(D) The generator remains in compliance with 40 CFR section 261.5.~~

~~(4) Through February 8, 2006, universal waste consumer electronic devices generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous solid waste, provided the wastes are disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections (a)(3)(B), (a)(3)(C), and (a)(3)(D) of this section.~~

~~(5) Persons who commingle the household and conditionally exempt small quantity universal waste generator wastes described in subsections (a)(1), (a)(2), and~~

~~(a)(3) of this section together with other universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.~~

~~(a)(b) Household universal waste generator exemption.~~

~~A person maintaining a household is exempt from the requirements of this chapter for the management of that person's universal waste, provided:~~

A person who maintains a household, as defined in section 66273.9, and who produces universal waste derived from that household, is a generator, as defined in section 66273.9, of household universal waste. Such a generator is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's household universal waste, provided that:

~~(1) The generator does not dispose of the universal waste is not disposed, except for those wastes exempted pursuant to subsection (a) of this section;~~

(2) The universal waste is relinquished to another universal waste handler, a universal waste transporter (e.g., for curbside collection), a destination facility, or an authorized curbside household hazardous waste collection program;

~~(3)(2) The person generator does not disassemble or otherwise treat the universal waste, except as follows:~~

(A) The generator treats the universal waste pursuant to under one or more of the following provisions of this chapter section 66273.13; and complies with subsection (a)(3)(B) of this section:

1. Section 66273.33, subsections (a)(2), (b)(3), (c)(5)(C)1.a., and/or (c)(7) as referenced in section 66273.33, subsections (c)(4)(B)2., (c)(5)(B)2.b., and/or (c)(5)(C)4.b.; and/or

2. Sections: 66273.71, subsection (b); 66273.72, subsections (b)(1), (c)(1), (d)(1), and/or (e)(1).

(B) The generator ensures that all materials produced from treating the universal waste are properly classified and managed in accordance with any applicable requirements of this division.

~~(3) the universal waste generated by the person is transported to another universal waste handler or to a destination facility.~~

~~(b)(c) Conditionally eExempt sSmall qQuantity uUniversal wWaste gGenerator eExemption.~~

A conditionally exempt small quantity universal waste generator, as defined in section 66273.9, is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to for the management of that person's generator's universal waste, provided the conditions set forth in subsections (a)(1) through (a)(3) of this section are met:.

~~(1) the waste is not disposed, except for the following wastes:~~

~~(A) those wastes exempted pursuant to subsection (a) of this section;~~

~~(B) mercury-added novelties that do not contain liquid mercury, as described in section 66273.9; and~~

~~(C) mercury-containing rubber flooring, as described in section 66273.9.~~

~~(2) the person does not disassemble or otherwise treat the waste, except under the provisions of section 66273.13; and~~

~~(3) the universal waste generated by the person is transported to another~~

~~universal waste handler or to a destination facility.~~

~~(d) Persons managing universal waste identified as household hazardous waste pursuant to 40 CFR section 261.4 and persons identified as conditionally exempt small quantity generators pursuant to 40 CFR section 261.5 may, at their option, manage their universal wastes under this chapter. If these persons decide to not manage their waste pursuant to this chapter, as provided in this section, these wastes must be managed pursuant to the standards for other hazardous wastes under this division and Chapter 6.5 of the Health and Safety Code.~~

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5 and 273.8.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.9 to read:

§66273.9. Definitions.

When used in this chapter, the terms listed in this section have the meanings given below. Unless otherwise specified, listed terms that cross-reference the definitions of other listed terms refer to the definitions set forth in this section for those other terms. Terms that are also defined in chapter 10 of this division are duplicated here solely for convenience of the regulated community. Terms used in this chapter that are not defined in this section but are defined in chapter 10 of this division and/or chapter 6.5 of division 20 of the Health and Safety Code have the meanings given in those sources.

“Ampule” means an airtight vial made of glass, plastic, metal, or any combination of these materials.

“Battery” means a device consisting of one or more electrically connected electrochemical cells which ~~that~~ is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, a cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Cathode ray tube” or “CRT” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“Closure” means the act of closing a universal waste handler’s facility pursuant to the requirements of article 7 of this chapter.

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who:

(a) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes, including universal wastes that are RCRA hazardous wastes, and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month.

~~When making the quantity determination of this section, the generator must, include all universal waste except CRT materials, and all RCRA hazardous waste; and~~

~~(b) generates a total of five or less CRT devices in a calendar year; and~~

~~(c) remains in compliance with 40 CFR section 261.5.~~

“CESQUWG” see “Conditionally exempt small quantity universal waste generator.”

~~“Consumer Electronic Device” means any electronic device, or any component of an electronic device, including, but not limited to, computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. A consumer electronic device does not include any~~

~~CRT device as defined in this section, or any major appliance as defined in the Public Resources Code section 42166. The requirements of this chapter only apply to consumer electronic devices as described in section 66273.3(a) (i.e., those wastes that exhibit the characteristic of toxicity).~~

“CRT” see “Cathode ray tube.”

“CRT glass” means any glass released, or derived or otherwise generated from the treatment or breakage of one or more CRTs or CRT devices and subsequently reclaimed at a CRT glass manufacturer, or a primary or secondary lead smelter.

“CRT material” means all or any of the following:

(a) a CRT, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);

(b) a CRT device, as defined in this section, that is or has become a waste pursuant to section 66273.6(c);

(c) CRT glass, as defined in this section, that is or has become a waste pursuant to section 66273.6(c) and that is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.

“CRT material handler” means any person who generates, accumulates, stores, treats, or recycles any universal waste CRT material.

“Current closure cost estimate” means the most recent of the estimates prepared in accordance with article 7 of this chapter.

“Dental amalgam” or “universal waste dental amalgam” means dental amalgam chunks, dental amalgam fines, mixtures containing dental amalgam fines, single-use dental amalgam traps that contain dental amalgam, dental amalgam sludge, vacuum pump filters that contain dental amalgam, and extracted teeth with amalgam restorations.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste pursuant to section 66273.60, except those management activities described in section 66273.13, section 66273.33(a), (b), and (c) and section 66273.83. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

“Dilators and weighted tubing” or “universal waste dilators and weighted tubing” means mercury-containing dilators and weighted tubing used in medical procedures. “Dilators and weighted tubing” include, but are not limited to, bougie tubes, Canter tubes, and Miller-Abbot tubes.

“Electronic device” means any electronic device that is identified as hazardous waste because it either exhibits the characteristic of toxicity as specified in article 3 of chapter 11 of this division, and/or is a listed hazardous waste as specified in article 4.1 of chapter 11 of this division. Examples of electronic devices include: computer monitors, televisions, cash registers and oscilloscopes (CRT devices), computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. Electronic device does not mean a major appliance, as defined in Public Resources Code section 42166, or other

devices which are comprised largely of metals, qualify as “scrap metal” as defined in section 66260.10, and are recycled.

“Foreign Destination” means the ultimate recycling, treatment or disposal facility in a receiving country to which universal waste will be sent.

“Gas flow regulator,” ~~“mercury gas flow regulator” or “universal waste gas flow regulator”~~ means a piece of mercury-containing device equipment used to regulate the flow of gas through a gas meter.

“Gauge” see “Pressure or vacuum gauge.”

“Generator” or “producer” means:

(a) Any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

(b) Any person, by site, whose act or process produces universal waste as defined in this section or whose act first causes a universal waste to become subject to regulation.

“Handler of universal waste” see “Universal waste handler.”

“Household” means a private single detached residence or a single unit of a multiple residence unit and all appurtenant structures. For the purposes of this section, household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.

“Lamp,” also referred to as “universal waste lamp” is defined as means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps. “Lamp” does not include mercury-containing lamps used as back lighting in electronic devices that contain liquid crystal displays (LCDs).

“Large Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (e.g., batteries, thermostats, lamps, etc. calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

“LCD,” or “LCD with a mercury-containing lamp” means a liquid crystal display illuminated by mercury-containing back lighting.

“Management” means the handling, storage, transportation, processing, treatment, recovery, recycling, transfer and disposal of hazardous waste (including universal waste).

“Mercury-added lamp” means a lamp to which elemental mercury has been added as an essential part of the manufacturing process used to create that lamp. Examples of common mercury-added lamps include, but are not limited to, fluorescent

lamps and mercury vapor lamps.

~~“Mercury gas flow regulator” or “universal waste gas flow regulator” means a mercury-containing device used to regulate the flow of gas through a gas meter.~~

“Mercury-containing equipment” means a thermostat, mercury switch, thermometer, dental amalgam, pressure or vacuum gauge, mercury-added novelty, mercury counterweight and damper, dilator and weighted tubing, mercury-containing rubber flooring, and gas flow regulator.

~~“Mercury-containing motor vehicle light switch” means any motor vehicle light switch found in the hood or in the trunk lid of a motor vehicle, if that the light switch contains mercury.~~

~~“Mercury-containing motor vehicle switch” means any motor vehicle switch that contains mercury including, but not limited to, a mercury-containing motor vehicle light switch.~~

~~“Mercury-containing rubber flooring” or “universal waste rubber flooring” means any rubber flooring material formulated with intentionally added mercury.~~

~~“Mercury counterweights and dampers” or “universal waste mercury counterweights and dampers” means an enclosed devices that uses liquid mercury for weight or dampening; “mercury counterweights and dampers” includes, but is not limited to, a mercury bow stabilizers used in archery, a mercury recoil suppressors used in shooting, and a mercury counterweights used in a clocks.~~

“Mercury gas flow regulator” see “Gas flow regulator.”

~~“Mercury switch” or “universal waste mercury switch” means an electrical switch that employs mercury to make an electrical contact. “Mercury switch” includes, but is not limited to, the following mercury-containing switches: mercury-containing motor vehicle switches, tilt switches, vibration-sensing switches, off-balance switches, float switches, silent light switches, and relays.~~

“Mercury thermometer” see “Thermometer.”

~~“On-site Onsite” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, are also considered on-site onsite property.~~

~~“Pressure or vacuum gauge,” “universal waste gauge,” or “gauge,” means any device in which pressure or vacuum is measured using the height of a column of liquid mercury. “Pressure or vacuum gauge” includes, but is not limited to, barometers, manometers, and sphygmomanometers.~~

“Producer” see “Generator.”

~~“Small Quantity Handler of Universal Waste” means a universal waste handler (as defined in this section) who does not accumulate 5,000 kilograms or more total of universal waste (e.g., batteries, thermostats, lamps, etc., calculated collectively) at any time.~~

~~“Thermometer,” “mercury thermometer” or “universal waste thermometer”~~ means any thermometer that uses the expansion and contraction of a column of mercury to measure temperature.

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of sections ~~66273.13(c)(2) or 66273.33(c)(2)(5).~~

“Treatment” or “treat” or “treating” means any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery or reduction in volume.

“Universal ~~w~~Waste” means any of the wastes that are listed in section 66261.9.

“Universal waste dental amalgam” see “Dental amalgam.”

“Universal waste dilators and weighted tubing” see “Dilators and weighted tubing.”

“Universal waste gas flow regulator” see “Gas flow regulator.”

“Universal waste gauge” see “Pressure or vacuum gauge.”

“Universal ~~w~~Waste ~~h~~Handler”:

(a) Means:

(1) A generator (as defined in section 66260.10 and this section) of universal waste; or

(2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination; or

(3) The owner or operator of a facility who is authorized to treat universal waste pursuant to article 7 of this chapter.

(b) Does not mean:

(1) A person who treats or recycles (except under the provisions of section ~~66273.13, section 66273.33, or section 66273.83(b) or (c)~~ as allowed/authorized in this chapter), or disposes of, or recycles universal waste; or

(2) A person engaged in the ~~off-site~~ offsite transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility; or

~~(3) A CRT material handler, as defined in this section~~ The owner or operator of a destination facility.

“Universal waste lamp” see “Lamp.”

“Universal waste mercury counterweights and dampers” see “Mercury counterweights and dampers.”

“Universal waste mercury switch” see “Mercury switch.”

“Universal waste rubber flooring” see “Mercury-containing rubber flooring.”

“Universal waste thermometer” see “Thermometer.”

“Universal ~~w~~Waste ~~t~~Transfer ~~f~~Facility” means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal wWaste tTransporter” means a person engaged in the off-site offsite transportation of universal waste by air, rail, highway, or water.

“Universal waste treatment unit” means a contiguous area of a universal waste handler’s facility on or in which universal waste is managed pursuant to section 66273.73, subsection (a)(2) or section 66273.73, subsection (b). Examples of universal waste treatment units include a disassembly or removal area, a shredder and associated equipment, a glass crusher, an accumulation area, or a container staging or storage area. A container alone does not constitute a universal waste treatment unit. A universal waste treatment unit includes containers and the land or pad upon which they are placed.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5; and 273.9.

Amend and Reserve California Code of Regulations, title 22, division 4.5, chapter 23, article 2 and **repeal** section 66273.10 to read:

**Article 2. ~~Standards for Small Quantity Handlers of Universal Waste~~
[Reserved.]**

~~§66273.10. Applicability.~~

~~This article applies to small quantity handlers of universal waste (as defined in section 66273.9) except as provided for households and for conditionally exempt small quantity universal waste generators in section 66273.8.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.10.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.11 to read:

~~§66273.11. Prohibitions.~~

~~A small quantity handler of universal waste is:~~

~~(a) Prohibited from disposing of universal waste; and~~

~~(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.17; or by managing specific wastes as provided in section 66273.13.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.11.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.12 to read:

~~§66273.12. Notification.~~

~~A small quantity handler of universal waste is not required to notify the Department or the U.S. EPA of universal waste handling activities.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.12.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.13 to read:

~~§66273.13. Waste Management.~~

~~(a) Universal waste batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):~~

- ~~(A) Sorting batteries by type;~~
- ~~(B) Mixing battery types in one container;~~
- ~~(C) Discharging batteries so as to remove the electric charge;~~
- ~~(D) Regenerating used batteries;~~
- ~~(E) Disassembling batteries or battery packs into individual batteries or cells;~~
- ~~(F) Removing batteries from consumer products; or~~
- ~~(G) Removing electrolyte from batteries.~~

~~(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.~~

~~(A) If the electrolyte and/or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.~~

~~(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~(b) Universal waste thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:~~

~~(A) Removes the ampules in a manner designed to prevent breakage of the ampules;~~

~~(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);~~

~~(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;~~

~~(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;~~

~~(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;~~

~~(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;~~

~~(G) Stores removed ampules in closed, non-leaking containers that are in good condition;~~

~~(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and~~

~~(3)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).~~

~~(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to chapter 12.~~

~~(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~(c) Lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that~~

~~shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.~~

~~(3) A small quantity handler of universal waste may remove universal waste lamps from a product or structure, provided the handler removes the lamps in a manner designed to prevent breakage.~~

~~(d) Consumer electronic devices. A small quantity handler of universal waste shall manage consumer electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall contain any consumer electronic device in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the consumer electronic devices. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Whole consumer electronic devices that are managed in a manner that prevents breakage of the device and release of hazardous components of the device (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.~~

~~(2) A small quantity handler of universal waste may disassemble a consumer electronic device provided the handler:~~

~~(A) Removes only those discrete assemblies that are typically removed during the normal operation of the consumer electronic device, such as the removal and replacement of batteries or ink cartridges; and~~

~~(B) Conducts the disassembly in the manner prescribed in the operating manual for the consumer electronic device, or that would otherwise be performed during the normal use of the consumer electronic device.~~

~~(3) A small quantity handler of universal waste shall immediately clean up and place in a container any consumer electronic device that is broken and shall place in a container any consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause releases of hazardous components to the environment under reasonably foreseeable conditions.~~

~~(e) Universal waste mercury switches and thermometers. A small quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall contain any universal waste mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a sealed plastic bag in a container. The container shall be closed, structurally sound, compatible with the contents of the switch or thermometer, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The~~

~~container shall contain packing materials adequate to prevent breakage of universal waste mercury switches and thermometers during storage, handling, and transportation.~~

~~(2) A small quantity handler of universal waste shall accumulate universal waste thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.~~

~~(3)(A) A small quantity handler of universal waste may remove mercury-containing motor vehicle switches from motor vehicles, and may remove non-automotive mercury switches from products that contain them, provided the handler:~~

- ~~1. Removes mercury switches in a manner designed to prevent breakage;~~
 - ~~2. Ensures that a mercury clean-up system is readily available;~~
 - ~~3. Immediately transfers any mercury resulting from spills or leaks from broken mercury switches to an airtight container that meets the requirements of paragraph (1) of this subsection;~~
 - ~~4. Ensures that employees removing mercury switches are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spilled mercury to appropriate containers;~~
 - ~~5. Accumulates removed mercury switches in closed, non-leaking containers that are in good condition;~~
 - ~~6. Packs removed mercury switches in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and~~
 - ~~7. Keeps records, on paper or electronically, of the removal of mercury switches from vehicles and household appliances for at least three years from the date of removal, which shall include, at a minimum, the following information:~~
 - ~~a. The total number of vehicles crushed, baled, sheared, or shredded;~~
 - ~~b. The total number of appliances destined for shredding;~~
 - ~~c. The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;~~
 - ~~d. The number of mercury switches removed from these vehicles and appliances;~~
- ~~and~~
- ~~e. The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.~~

~~(B) On or after January 1, 2005, a small quantity universal waste handler who intends to crush, bale, shear, or shred a motor vehicle that contains mercury light switches, shall, prior to crushing, baling, shearing, or shredding the vehicle, remove all mercury-containing motor vehicle light switches (except switches that cannot be removed due to accidental damage to the vehicle) or ensure that all mercury-containing motor vehicle light switches have already been removed.~~

~~(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

- ~~1. Mercury or clean-up residues resulting from spills or leaks from a mercury switch or thermometer; and/or~~
- ~~2. Other wastes generated as a result of the handling of universal waste mercury switches and/or thermometers.~~

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable~~

requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(f) Universal waste dental amalgam. A small quantity handler of universal waste shall manage universal waste dental amalgam in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall place amalgam scraps, amalgam fines, single-use amalgam traps and filters, and extracted teeth with amalgam restorations in airtight containers. The containers shall be kept closed, except when universal waste dental amalgam is being added.~~

~~(2) A small quantity handler of universal waste shall not rinse amalgam traps or filters into a sink.~~

~~(3) A small quantity handler of universal waste shall not place universal waste dental amalgam into medical waste containers.~~

~~(g) Universal waste gauges. A small quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1)(A) All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the device.~~

~~(B) Each universal waste gauge shall be sealed in a plastic bag. Plastic bags containing universal waste gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gauge. The container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage during storage, handling, and transportation.~~

~~(C) A mercury clean-up system shall be readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gauges to an airtight container that meets the requirements of paragraph (2) of this subsection;~~

~~(D) Universal waste gauges shall be kept upright at all times during handling, accumulation, and transportation.~~

~~(2) A small quantity handler of universal waste may drain elemental mercury from pressure or vacuum gauges generated by that handler, at the site where the gauges were generated, provided the handler:~~

~~(A) Ensures that the universal waste pressure or vacuum gauges are drained over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from a device in case of breakage or spill);~~

~~(B) Ensures that the draining operations are performed safely by developing and implementing a written procedure detailing how to safely drain the universal waste pressure or vacuum gauges. This procedure shall include: the type of equipment to be used to drain the universal waste pressure or vacuum gauges safely, operation and maintenance of the equipment, appropriate personal protective equipment, segregation of incompatible wastes, proper waste management practices, spill response~~

procedures, and waste characterization;

(C) Ensures that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste pressure or vacuum gauge that may occur during the mercury draining operation;

(D) Immediately transfers the drained elemental mercury to a container. The container shall be closed, structurally sound, compatible with elemental mercury, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(E) Ensures that employees are thoroughly familiar with the procedure for draining universal waste pressure or vacuum gauges, and proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(F) Stores the drained elemental mercury in a closed, non-leaking container that is in good condition and meets the requirements of subparagraph (D);

(G) Ensures that any container into which mercury from a universal waste pressure or vacuum gauge is drained or in which drained mercury is stored is placed into a secondary container that is in good condition, compatible with mercury, and large enough to accommodate the contents of the primary container if it should leak or break;

(H) Maintains documentation of the date of accumulation, a description of the pressure or vacuum gauges drained, and the amount of mercury drained; and

(I) Accumulates no more than 35 kilograms of elemental mercury at any one time.

(3)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Whole or partial universal waste gauges from which mercury has been drained;

2. Mercury or clean-up residues resulting from spills or leaks;

3. Other wastes generated as a result of the handling of universal waste gauges.

(B) If a whole or partial universal waste gauge from which mercury has been drained exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this chapter.

(C) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(D) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(h) Universal waste novelties. A small quantity handler of universal waste shall manage universal waste novelties in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Universal waste novelties whose only mercury is contained in a button cell or other mercury-containing battery shall be managed in accordance with the requirements for universal waste batteries, pursuant to subsection (a) of this section.

(A) If they are removable, a small quantity handler of universal waste may

~~remove mercury-containing batteries from a universal waste novelty.~~

~~(B) If, after removal of all mercury-containing batteries, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.~~

~~(C) Batteries removed from universal waste novelties may be managed as universal waste batteries, pursuant to subsection (a) of this section.~~

~~(2) Universal waste novelties that are painted with mercury-containing paint shall be accumulated in an airtight container. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) Universal waste novelties that contain liquid mercury shall be managed as follows:~~

~~(A) Universal waste novelties that contain liquid mercury shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;~~

~~(B) A mercury clean-up system shall be readily available; and~~

~~(C) Any universal waste novelty containing liquid mercury that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions shall be placed in an airtight container. The container shall meet the requirements of subparagraph (A) of this paragraph.~~

~~(4) Universal waste novelties whose only mercury is contained in a mercury switch or switches shall be managed in accordance with the requirements for universal waste switches and thermometers, pursuant to subsection (d) of this section.~~

~~(A) If they are removable, a small quantity handler of universal waste may remove mercury switches from a universal waste novelty.~~

~~(B) If, after removal of all mercury switches, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.~~

~~(C) Switches removed from universal waste novelties may be managed as universal waste switches and thermometers, pursuant to subsection (d) of this section.~~

~~(5)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other wastes generated as a result of the handling of novelties that contain liquid mercury.~~

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(i) Universal waste counterweights and dampers. A small quantity handler of~~

universal waste shall manage universal waste counterweights and dampers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

~~(1) Prior to shipping universal waste counterweights and dampers to a recycler, a small quantity handler of universal waste shall pack universal waste counterweights and dampers in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste shall place any universal waste counterweight or damper that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily available;~~

~~(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other wastes generated as a result of the handling of universal waste counterweights and dampers.~~

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(j) Universal waste dilators and weighted tubing. A small quantity handler of universal waste shall manage universal waste dilators and weighted tubing in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) Prior to shipping universal waste dilators and weighted tubing, a small quantity handler of universal waste shall pack universal waste dilators and weighted tubing in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste shall place any universal waste dilators and weighted tubing that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the dilators and weighted tubing, and shall lack evidence of~~

leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

~~(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily available.~~

~~(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other wastes generated as a result of the handling of universal waste dilators and weighted tubing.~~

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(k) Universal waste rubber flooring. A small quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.~~

~~(l) Universal waste gas flow regulators. A small quantity handler of universal waste shall manage universal waste gas flow regulators in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste shall ensure that universal waste gas flow regulators are kept upright at all times during accumulation and transportation.~~

~~(2) A small quantity handler of universal waste shall place each regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the regulator. The container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gas flow regulators to an airtight container that meets the requirements of paragraph (2) of this subsection.~~

~~(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and~~

~~2. Other wastes generated as a result of the handling of universal waste gas flow regulators.~~

~~(B) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or~~

~~local solid waste regulations.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.13.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.14 to read:

~~§66273.14. Labeling/Marking.~~

~~A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:~~

~~(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"~~

~~(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."~~

~~(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."~~

~~(d) Each consumer electronic device or a container or package in which consumer electronic devices are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Consumer Electronic Device(s)" or "UW--Consumer Electronic Device(s)."~~

~~(e) Universal waste mercury switches and thermometers or a container in which the switches are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Switch(es)," or "Waste Mercury Switch(es)," or "Used Mercury Switch(es);"~~

~~(f) Dental amalgam. A container in which universal waste dental amalgam is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Dental Amalgam," or "Waste Dental Amalgam" or "Scrap Dental Amalgam;"~~

~~(g) Pressure or vacuum gauges.~~

~~(1) A container in which universal waste gauges are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Gauge(s)," or "Waste Mercury Gauge(s)" or "Used Mercury Gauge(s);"~~

~~(2) A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste--Drained Mercury," or "Universal Waste--Mercury from Gauges;"~~

~~(h) Universal waste novelties or a container in which the novelties are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste Novelty(ies)," or "Waste Mercury Novelty(ies)" or "Used Mercury Novelty(ies);"~~

~~(i) Universal waste counterweights and dampers, a product that contains one or more counterweights and/or dampers, or a container in which the counterweights and/or dampers are contained, shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste--Counterweight(s)," or "Universal Waste--Damper(s);" "Waste Mercury Counterweight(s)" or "Waste Mercury Damper(s);" "Used Mercury Counterweight(s)," or "Used Mercury Damper(s);"~~

~~(j) Universal waste dilators and weighted tubing or a container in which the dilators and weighted tubing are contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste--Dilator(s)," "Waste Mercury Dilator(s)" "Used Mercury Dilator(s)," "Universal Waste--Mercury-Weighted Tubing," "Waste Mercury-Weighted Tubing," or "Used Mercury-Weighted Tubing."~~

~~(k) Universal waste rubber flooring or a container in which the flooring is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Rubber Flooring," or "Waste Mercury-Containing Flooring" or "Used Mercury-Containing Flooring."~~

~~(l) Gas flow regulators. A waste gas meter that contains a mercury gas flow regulator or a container in which a universal waste gas flow regulator is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Gas Flow Regulator," or "Waste Mercury Gas Flow Regulator" or "Used Mercury Gas Flow Regulator."~~

~~NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.14.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.15 to read:

~~§66273.15. Accumulation Time Limits.~~

~~(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.~~

~~(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.~~

~~(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:~~

~~(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;~~

~~(2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;~~

~~(3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;~~

~~(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;~~

~~(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or~~

~~(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.15.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.16 to read:

~~§66273.16. Employee Training.~~

~~A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.16.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.17 to read:

~~§66273.17. Response to Releases.~~

~~(a) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.~~

~~(b) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with chapter 12.~~

~~(c) Waste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.13.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.17.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.18 to read:

~~§66273.18. Off-Site Shipments.~~

~~(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.~~

~~(b) If a small quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.~~

~~(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;~~

~~(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.~~

~~(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:~~

~~(1) Receive the waste back when notified that the shipment has been rejected, or~~

~~(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.~~

~~(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:~~

~~(1) Send the shipment back to the originating handler, or~~

~~(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.~~

~~(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.~~

~~(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.18.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.19 to read:

~~§66273.19. Tracking Universal Waste Shipments.~~

~~(a) Receipt of shipments. A small quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:~~

~~(1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;~~

~~(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, mercury switches, etc.);~~

~~(3) The date of receipt of the shipment of universal waste.~~

~~(b) Shipments off-site. A small quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:~~

~~(1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;~~

~~(2) The quantity of each type of universal waste sent (e.g., batteries, thermostats, lamps, mercury switches, etc.);~~

~~(3) The date the shipment of universal waste left the facility.~~

~~(c) Record retention.~~

~~(1) A small quantity handler of universal waste shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste;~~

~~(2) A small quantity handler of universal waste shall retain the records described in subsection (b) of this section for at least three years from the date a shipment of universal waste left the facility.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.39.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.20 to read:

~~§66273.20. Exports.~~

~~A small quantity handler of universal waste who sends universal waste, not including consumer electronic devices, to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:~~

~~(a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a) (1) through (4), (6), and (b) and 66262.57;~~

~~(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12; and~~

~~(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.~~

~~(d) A small quantity handler of universal waste who sends consumer electronic devices to any foreign destination shall notify the Department and concurrently send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such consumer electronic device is scheduled to leave the United States. A completed notification shall be submitted four weeks before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.~~

~~(e) The notification submitted pursuant to subsection (d) of this section shall be in writing, signed by the universal waste handler, and include the following information:~~

~~(1) name, mailing address, and telephone number of the universal waste handler;~~

~~(2) the foreign destination, for each type of consumer electronic device:~~

~~(A) the amount of consumer electronic devices (by count or by weight);~~

~~(B) the estimated frequency or rate at which the consumer electronic device is to be exported and the period of time over which the consumer electronic device is to be exported;~~

~~(C) all points of entry to and departure from each foreign country through which the consumer electronic device will pass;~~

~~(D) a description of the means by which each shipment of consumer electronic devices will be recycled at the foreign destination; and~~

~~(E) the name and site address of the consignee or any alternate consignee.~~

~~(f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Consumer Electronic Devices" prominently displayed on the front of the envelope.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219,~~

~~25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.20.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.21 to read:

~~§66273.21. Accumulation of Mercury-Containing Universal Wastes Received from Other Universal Waste Handlers.~~

~~(a) A small quantity handler of universal waste may accumulate the following universal wastes received from other handlers only at a location where accumulation of universal waste is consistent with local land use zoning or land use patterns:~~

~~(1) Mercury-containing motor vehicle switches (including, but not limited to M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;~~

~~(2) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~

~~(3) Dental amalgam wastes, as described in section 66273.7.3;~~

~~(4) Pressure or vacuum gauges, as described in section 66273.7.4;~~

~~(5) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~

~~(6) Mercury counterweights and dampers, as described in section 66273.7.6;~~

~~(7) Mercury thermometers, as described in section 66273.7.7;~~

~~(8) Mercury dilators and weighted tubing, as described in section 66273.7.8;~~

~~(9) Mercury containing rubber flooring, as described in section 66273.7.9; and~~

~~(10) Mercury gas flow regulators, as described in section 66273.10.~~

~~(b) A small quantity handler of universal waste who accumulates any of the universal wastes listed in subsection (a) received from other handlers shall:~~

~~(1) Comply with all applicable requirements for handlers of hazardous materials;~~

~~(2) Disclose that mercury is being handled in all applicable business and use permitting applications;~~

~~(3) Comply with the location standards in section 66265.18;~~

~~(4) Comply with the seismic precipitation design standards in section 66265.25;~~

~~(5) Accumulate universal wastes listed in subsection (a) only in areas that are zoned for commercial or industrial uses; and~~

~~(6) Accumulate universal wastes listed in subsection (a) in a location that does not pose site specific land use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code.~~

Amend California Code of Regulations, title 22, division 4.5, chapter 23, article 3 and section 66273.30 to read:

Article 3. Standards for ~~Large Quantity Handlers of~~ Universal Waste Handlers

§66273.30. Applicability.

This article applies to ~~large quantity handlers of~~ universal waste handlers (as defined in section 66273.9).

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.30.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.31 to read:

§66273.31. Prohibitions.

A ~~large quantity handler of~~ universal waste handler is:

(a) Prohibited from disposing of universal waste [however, a universal waste handler may send or take batteries, thermostats, mercury-added novelties containing no liquid mercury, and mercury-containing rubber flooring that are universal wastes to a destination facility for disposal]; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.37~~;~~₁ or by managing specific wastes as provided in sections 66273.33 and 66273.33.5.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.31.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.32 to read:

§66273.32. USEPA Notification, Department Notification, and Reporting Requirements for Universal Waste Handlers.

(a) USEPA notification requirements.

(1) Except as provided in subsections (a)(2) and (3b) of this section, a ~~large quantity handler of universal waste handler~~ shall have sent written notification of universal waste management to the Regional Administrator, and received ~~an EPA a federal Identification ID~~ Number, before ~~meeting or exceeding accumulating~~ the 5,000 kilograms ~~storage limit of universal waste~~.

(2) A ~~large quantity handler of universal waste handler~~ who has already notified the ~~U.S. EPA USEPA~~ of ~~his the universal waste handler's~~ hazardous waste management activities and has received an EPA Identification Number is not required to ~~renotify pursuant to~~ under this section.

~~(b) This notification shall include:~~

~~(1) The universal waste handler's name and mailing address;~~

~~(2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;~~

~~(3) The address or physical location of the universal waste management activities;~~

~~(4) A list of all of the types of universal waste managed by the handler (e.g., batteries, thermostats, lamps);~~

~~(5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g., batteries, thermostats, lamps) the handler is accumulating above this quantity.~~

(b) A universal waste handler who accumulates 5,000 kilograms of universal waste, but who would not be required to notify the Regional Administrator pursuant to 40 Code of Federal Regulations section 273.32(a)(1) because the universal wastes handled are non-RCRA hazardous waste shall obtain an ID Number, as defined in section 66260.10, from the Department.

(c) Department notification requirements for universal waste handlers of electronic devices, CRTs, and CRT glass.

(1) Any universal waste handler who might accept and accumulate, but not treat, any electronic device, CRT, and/or CRT glass from an offsite source shall submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written notification containing the information specified in subsection (c)(2) of this section no later than 30 calendar days prior to accepting any electronic device, CRT and/or CRT glass.

(2) This notification shall include:

(A) Name of universal waste handler;

(B) ID Number of the universal waste handler, if applicable;

(C) Telephone number of universal waste handler;

(D) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;

(E) Name of the contact person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Telephone number of the contact person;

(G) An e-mail address for the contact person or organization, if available;

(H) The types of electronic devices, CRTs, and/or CRT glass expected to be handled;

(I) The sources of the electronic devices, CRTs, and/or CRT glass (i.e., residential collections, business asset recovery, other collectors, etc.); and

(J) A statement indicating whether the universal waste handler might accumulate 5,000 kilograms or more of universal waste at one time.

(3) Notifications made pursuant to this subsection shall be made for each location at which the universal waste handler accepts or accumulates electronic devices, CRTs and/or CRT glass from an offsite source.

(d) Annual reporting requirements for universal waste handlers of electronic devices, CRTs, and CRT glass.

(1) A universal waste handler that accepts more than 100 kilograms (or 220 pounds) of electronic devices, CRTs, and CRT glass calculated collectively, from any offsite sources in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (d)(3) of this section. The information submitted pursuant to this subsection (d)(1) shall cover the electronic-device-handling, CRT-handling, and CRT-glass-handling activities conducted during the previous calendar year.

(2) A universal waste handler that generates 5,000 kilograms (or 11,000 pounds; e.g., about 200 CRTs) or more of electronic devices, CRTs, and CRT glass calculated collectively, in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (d)(3) of this section. The information submitted pursuant to this subsection (d)(2) shall:

(A) Identify the electronic device-handling, CRT-handling, and CRT glass-handling activities conducted during the previous calendar year; and

(B) Include [in addition to the information specified in subsection (d)(3) of this section] the types of universal wastes (i.e., electronic devices, CRTs, and/or CRT glass calculated collectively) that the universal waste handler accumulated.

(3) This annual report shall include:

(A) Name of universal waste handler;

(B) ID Number of the universal waste handler, if applicable;

(C) Telephone number of universal waste handler;

(D) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;

(E) Name of the contact person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Telephone number of the contact person;

(G) An e-mail address for the contact person or organization, if available;
(H) The types of electronic devices, CRTs, and CRT glass handled;
(I) The following quantities handled, which include any quantities handled but not shipped:

1. The total quantity of electronic devices that are also CRT devices (count), handled during the previous calendar year;

2. The total quantity of CRTs (count) handled during the previous calendar year;

3. The total quantity of CRT glass (weight) handled during the previous calendar year; and

4. The total quantity of electronic devices that are not also CRT devices (count or weight) handled during the previous calendar year;

(J) A list consisting of:

1. The name, address, and telephone number for each of the locations to which the universal waste handler shipped electronic devices, CRTs, and CRT glass during the previous calendar year; and

2. The following quantities shipped to each of those locations:

a. The total quantity of electronic devices that are also CRT devices (count), shipped to that location during the previous calendar year;

b. The total quantity of CRTs (count) shipped to that location during the previous calendar year;

c. The total quantity of CRT glass (weight) shipped to that location during the previous calendar year; and

d. The total quantity of electronic devices that are not also CRT devices (count or weight) shipped to that location during the previous calendar year;

(K) Whenever necessary, a universal waste handler who utilizes a mass-based inventory system to quantify electronic devices that are also CRT devices, CRTs, and electronic devices that are not also CRT devices, may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill the annual reporting requirement of subsection (d) of this section. A universal waste handler who performs such a data conversion(s) shall indicate that the count data were derived from mass data and shall include the conversion factor(s) used, in the annual report.

(e) Electronic submissions. If submitted electronically through the Department's universal waste web-based reporting system, Department notifications and annual reports required pursuant to subsections (c) and (d) of this section shall be addressed to the Department at <http://www.dtsc.ca.gov>.

(f) Written submissions. If submitted in writing, Department notifications and annual reports required pursuant to subsections (c) and (d) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and

58012, Health and Safety Code; and Section 42475, Public Resources Code.
Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and
25219.2, Health and Safety Code; 40 CFR Section 273.32.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.33 to read:

§66273.33. Universal Waste Management Requirements for Batteries, Lamps, and Mercury-Containing Equipment.

The requirements of this section apply only to universal waste handlers of batteries, lamps (including M003 wastes that contain lamps), and mercury-containing equipment. The corresponding requirements for universal waste handlers of electronic devices, CRTs, and CRT glass are set forth in section 66273.33.5. Handlers of universal wastes that are both electronic devices and M003 wastes [e.g., an electronic device that contains a lamp [an M003 waste]] shall comply with this section and section 66273.33.5 for the management of those universal wastes. However, once lamp removal is completed on such waste, such waste shall no longer to be managed as M003 waste and it shall be managed as an electronic device pursuant to section 66273.33.5, if applicable.

(a) ~~Universal waste B~~batteries. A ~~large quantity universal waste handler of universal waste~~ shall manage ~~universal waste~~ batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A ~~large quantity universal waste handler of universal waste~~ shall contain any ~~universal waste~~ battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the battery and its contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A ~~large quantity universal waste handler of universal waste~~ may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A ~~large quantity universal waste handler of universal waste~~ who removes electrolyte from batteries, or who generates other ~~solid~~ waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed ~~above~~ in subsection (a)(2) of this section, shall determine whether the electrolyte and/or other ~~solid~~ waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other ~~solid~~ waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the hazardous

electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the universal waste handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

~~(b) Universal waste thermostats. A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A large quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:~~

~~(A) Removes the ampules in a manner designed to prevent breakage of the ampules;~~

~~(B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);~~

~~(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;~~

~~(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;~~

~~(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;~~

~~(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;~~

~~(G) Stores removed ampules in closed, non-leaking containers that are in good condition;~~

~~(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and~~

~~(3)(A) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).~~

~~(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to chapter 12.~~

~~(C) If the mercury, residues, and/or other solid waste is not hazardous, the~~

handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b)(c) Lamps (including M003 wastes that contain lamps). A large quantity universal waste handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity universal waste handler of universal waste shall contain any lamp in a containers or packages that are is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such a containers and or packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity universal waste handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(3) A large quantity universal waste handler of universal waste may remove universal waste a lamps from a product or structure, provided the universal waste handler removes the lamps in a manner designed to prevent breakage.

(c) Mercury-containing equipment.

(1) Accumulation. A universal waste handler who accumulates any mercury-containing equipment received from another universal waste handler shall:

(A) Comply with all applicable requirements for handling hazardous materials;

(B) Disclose in all applicable business and use permitting applications that mercury is being handled;

(C) Comply with the location standards in section 66265.18;

(D) Comply with the seismic and precipitation design standards in section 66265.25;

(E) Accumulate mercury-containing equipment only in locations that are zoned for commercial or industrial uses, are consistent with local zoning requirements and land use patterns, and do not pose site-specific land-use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.

(2) Prevention of releases to the environment. A universal waste handler, who manages the types of mercury-containing equipment identified in subsections (c)(3) through (c)(5) of this section, shall comply with the requirements specified in those subsections.

(3) Mercury-containing rubber flooring. A universal waste handler shall manage mercury-containing rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions.

(4) Dental amalgams and/or pressure or vacuum gauges. A universal waste handler shall manage dental amalgams and/or pressure or vacuum gauges in a way

that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, and shall:

(A) Comply with all of the following with respect to the dental amalgams:

1. Place dental amalgams (e.g., dental-amalgam scraps and fines, single-use dental-amalgam traps and filters, and extracted teeth with dental-amalgam restorations) in airtight containers. The containers shall be kept closed, except when dental amalgams are being added or removed.

2. Not rinse dental-amalgam traps or filters into a sink.

3. Not place dental amalgams into medical waste containers.

(B) Comply with all of the following with respect to the pressure or vacuum gauges:

1. Manage pressure or vacuum gauges as follows:

a. All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the pressure or vacuum gauge.

b. Each pressure or vacuum gauge shall be sealed in a plastic bag. Plastic bags containing pressure or vacuum gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the pressure or vacuum gauge. The container or package shall remain closed (except when pressure or vacuum gauges are added or removed), and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage during storage, handling, and transportation.

c. Pressure or vacuum gauges shall be kept upright at all times during handling, accumulation, and transportation.

d. A mercury clean-up system shall be readily available to transfer immediately any mercury resulting from spills or leaks from pressure or vacuum gauges to an airtight container that meets the requirements of subsection (c)(4)(B)1.b. of this section.

2. Meet the requirements of subsection (c)(7) of this section, if removing liquid mercury from a pressure or vacuum gauge.

(5) All other mercury-containing equipment. A universal waste handler of the mercury-containing equipment listed in subsections (c)(5)(A) through (c)(5)(F) of this section (i.e., thermostats, mercury switches, mercury-added novelties, gas flow regulators, mercury counterweights and dampers, and/or dilators and weighted tubing) shall manage such equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, and shall comply with the additional requirements specified in those subsections.

(A) Thermostats. A universal waste handler shall manage thermostats (and ampules removed from thermostats) in accordance with the requirements of subsection (c)(6)(A) of this section.

(B) Mercury switches and/or thermometers. A universal waste handler shall manage mercury switches and/or thermometers in accordance with the requirements of subsection (c)(6)(C) of this section and with the following requirements, as applicable:

1.a. Contain in a sealed plastic bag in a container, any mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause

leakage under reasonably foreseeable conditions. The container shall be closed (except when a mercury switch or thermometer is added or removed), structurally sound, and compatible with the contents of the mercury switches and/or thermometers, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of mercury switches and/or thermometers during storage, handling, and transportation.

b. Accumulate thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.

2. Do the following, prior to crushing, baling, shearing, or shredding a motor vehicle equipped with one or more mercury switches that are also mercury-containing motor vehicle light switches:

a. Remove all such mercury switches (except those that cannot be removed due to accidental damage to the vehicle) or ensure that all such mercury switches (except those that cannot be removed due to accidental damage to the vehicle) have already been removed; and

b. Comply with subsection (c)(7) of this section, if removing a mercury-containing motor vehicle light switch.

(C) Mercury-added novelties. A universal waste handler shall manage mercury-added novelties in accordance with the requirements of subsection (c)(6)(C) of this section and with the following requirements, as applicable:

1. Manage mercury-added novelties, whose only mercury is contained in a button cell or other battery, pursuant to the requirements for batteries specified in subsection (a) of this section.

a. A universal waste handler, who is also a conditionally exempt small quantity universal waste generator, may remove from such mercury-added novelties batteries containing mercury if they are removable.

b. Batteries removed from such mercury-added novelties may be managed pursuant to subsection (a) of this section.

2. Accumulate in an airtight container, mercury-added novelties that are painted with paint containing mercury. The container shall be closed (except when mercury-added novelties are added or removed), structurally sound, and compatible with the mercury-added novelties, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Manage mercury-added novelties that contain liquid mercury, as follows:

a. Such mercury-added novelties shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall: be closed (except when mercury-added novelties are added or removed), structurally sound, and compatible with the mercury-added novelties, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

b. Any such mercury-added novelty that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions shall be placed in an airtight container. The container shall meet the requirements of subsection (c)(5)(C)3.a. of this section.

c. A mercury clean-up system shall be readily available.

4. Manage mercury-added novelties, whose only mercury is contained in mercury switches, pursuant to the requirements of subsection (c)(5)(B) of this section.

a. A universal waste handler may manage mercury switches removed from mercury-added novelties as mercury switches.

b. A universal waste handler shall comply with subsection (c)(7) of this section, if removing a mercury switch from a mercury-added novelty.

(D) Gas flow regulators. A universal waste handler shall manage gas flow regulators in accordance with the requirements of subsection (c)(6)(C) of this section and with all of the following requirements:

1. Ensure that gas flow regulators are kept upright at all times during accumulation and transportation.

2. Place each gas flow regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gas flow regulator. The container or package shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Ensure that a mercury clean-up system is readily available to transfer immediately any mercury resulting from spills or leaks from gas flow regulators, to an airtight container that meets the requirements of subsection (c)(5)(D)2. of this section.

(E) Mercury counterweights and dampers. A universal waste handler shall manage mercury counterweights and dampers in accordance with the requirements of subsections (c)(6)(B) and (c)(6)(C) of this section and with all of the following requirements:

1. Prior to shipping mercury counterweights and dampers to a recycler, pack them in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed (except when mercury counterweights and dampers are added or removed), structurally sound, and compatible with the contents of the mercury counterweight or damper; and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. Ensure that a mercury clean-up system is readily available.

(F) Dilators and weighted tubing. A universal waste handler shall manage dilators and weighted tubing in accordance with the requirements of subsections (c)(6)(B) and (c)(6)(C) of this section, and with all of the following requirements:

1. Prior to shipping dilators and weighted tubing, pack them in a container with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed (except when dilators and weighted tubing are added or removed), structurally sound, and compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. Ensure that a mercury clean-up system is readily available.

(6) General requirements. A universal waste handler shall manage the mercury-containing equipment identified in subsection (c)(5) of this section in accordance with the following requirements, as specified in that subsection:

(A) Place in a container any mercury-containing equipment with uncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall: be closed (except when mercury-containing equipment is added or removed), structurally sound, and compatible with the contents of the mercury-containing equipment; lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(B) Place into a sealed plastic bag in an airtight container, any mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall: be closed (except when mercury-containing equipment is added or removed), structurally sound, and compatible with the contents of the mercury-containing equipment; and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(C) Characterize residuals as follows:

1. Determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:

- a. Mercury or clean-up residues resulting from spills or leaks; and/or
- b. Other wastes generated as a result of handling mercury-containing equipment.

2. If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the universal waste handler shall manage the wastes in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12 of this division.

3. If the mercury, residues, and/or other wastes do not exhibit a characteristic of hazardous waste, the universal waste handler may manage the wastes in any way that complies with all applicable federal, state and local solid waste regulations.

(7) Treatment. A universal waste handler, who treats any mercury-containing equipment (e.g., removes ampules and mercury switches, drains pressure or vacuum gauges), shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (c) of this section with respect to the mercury-containing equipment.

~~(d) Consumer electronic devices. A large quantity handler of universal waste shall manage consumer electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A large quantity handler of universal waste shall contain any consumer electronic device in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the consumer electronic devices. Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Whole consumer electronic devices that are managed in a manner that prevents breakage of the device and release of hazardous components of the device (e.g, shrink-wrapped on a pallet) shall be considered to comply with this requirement.~~

~~(2) A large quantity handler of universal waste may disassemble a consumer electronic device provided the handler:~~

~~(A) Removes only those discrete assemblies that are typically removed during the normal operation of the consumer electronic device, such as the removal and replacement of batteries or ink cartridges; and~~

~~(B) Conducts the disassembly in the manner prescribed in the operating manual for the consumer electronic device, or that would otherwise be performed during the normal use of the consumer electronic device.~~

~~(3) A large quantity handler of universal waste shall immediately clean up and place in a container any consumer electronic device that is broken and shall place in a container any consumer electronic device that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the consumer electronic devices and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of hazardous components to the environment under reasonably foreseeable conditions.~~

~~(e) Universal waste mercury switches and thermometers. A large quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A large quantity handler of universal waste shall contain any universal waste mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a sealed plastic bag in a container. The container shall be closed, structurally sound, compatible with the contents of the switch or thermometer, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of universal waste mercury switches and thermometers during storage, handling, and transportation.~~

~~(2) A large quantity handler of universal waste shall accumulate universal waste thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.~~

~~(3)(A) A large quantity handler of universal waste may remove mercury-containing motor vehicle switches from motor vehicles, and may remove non-automotive mercury switches from products that contain them, provided the handler:~~

- ~~1. Removes mercury switches in a manner designed to prevent breakage;~~
- ~~2. Ensures that a mercury clean-up system is readily available;~~
- ~~3. Immediately transfers any mercury resulting from spills or leaks from broken mercury switches to an airtight container that meets the requirements of paragraph (1) of this subsection;~~
- ~~4. Ensures that employees removing mercury switches are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spilled mercury to appropriate containers;~~
- ~~5. Accumulates removed mercury switches in closed, non-leaking containers that are in good condition;~~
- ~~6. Packs removed mercury switches in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and~~
- ~~7. Keeps records, on paper or electronically, of the removal of mercury switches~~

from vehicles and household appliances for at least three years from the date of removal, which shall include, at a minimum, the following information:

- a. The total number of vehicles crushed, baled, sheared, or shredded;
 - b. The total number of appliances destined for shredding;
 - c. The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;
 - d. The number of mercury switches removed from these vehicles and appliances;
- and
- e. The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(B) On or after January 1, 2005, a large quantity universal waste handler who intends to crush, bale, shear, or shred a motor vehicle that contains mercury light switches, shall, prior to crushing, baling, shearing, or shredding the vehicle, remove all mercury-containing motor vehicle light switches (except switches that cannot be removed due to accidental damage to the vehicle) or ensure that all mercury-containing motor vehicle light switches have already been removed.

(4)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

- 1. Mercury or clean-up residues resulting from spills or leaks from a mercury switch or thermometer; and/or
- 2. Other wastes generated as a result of the handling of universal waste mercury switches and/or thermometers.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(f) Universal waste dental amalgam. A large quantity handler of universal waste shall manage universal waste dental amalgam in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall place amalgam scraps, amalgam fines, single-use amalgam traps and filters, and extracted teeth with amalgam restorations in airtight containers. The containers shall be kept closed, except when universal waste dental amalgam is being added.

(2) A large quantity handler of universal waste shall not rinse amalgam traps or filters into a sink.

(3) A large quantity handler of universal waste shall not place universal waste dental amalgam into medical waste containers.

(g) Universal waste gauges. A large quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1)(A) All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the device.

~~(B) Each universal waste gauge shall be sealed in a plastic bag. Plastic bags containing universal waste gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gauge. The container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage during storage, handling, and transportation.~~

~~(C) A mercury clean-up system shall be readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gauges to an airtight container that meets the requirements of paragraph (2) of this subsection.~~

~~(D) Universal waste gauges shall be kept upright at all times during handling, accumulation, and transportation.~~

~~(2) A large quantity handler of universal waste may drain elemental mercury from pressure or vacuum gauges generated by that handler, at the site where the gauges were generated, provided the handler:~~

~~(A) Ensures that the universal waste pressure or vacuum gauges are drained over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from a device in case of breakage or spill);~~

~~(B) Ensures that the draining operations are performed safely by developing and implementing a written procedure detailing how to safely drain the universal waste pressure or vacuum gauges. This procedure shall include: the type of equipment to be used to drain the universal waste pressure or vacuum gauges safely, operation and maintenance of the equipment, appropriate personal protective equipment, segregation of incompatible wastes, proper waste management practices, spill response procedures, and waste characterization;~~

~~(C) Ensures that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste pressure or vacuum gauge that may occur during the mercury draining operation;~~

~~(D) Immediately transfers the drained elemental mercury to a container. The container shall be closed, structurally sound, compatible with elemental mercury, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;~~

~~(E) Ensures that employees are thoroughly familiar with the procedure for draining universal waste pressure or vacuum gauges, and proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;~~

~~(F) Stores the drained elemental mercury in a closed, non-leaking container that is in good condition and meets the requirements of subparagraph (D);~~

~~(G) Ensures that any container into which mercury from a universal waste pressure or vacuum gauge is drained or in which drained mercury is stored is placed into a secondary container that is in good condition, compatible with mercury, and large enough to accommodate the contents of the primary container if it should leak or break;~~

~~(H) Maintains documentation of the date of accumulation, a description of the pressure or vacuum gauges drained, and the amount of mercury drained; and~~

~~(I) Accumulates no more than 35 kilograms of elemental mercury at any one time.~~

~~(3)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Whole or partial universal waste gauges from which mercury has been drained;~~

~~2. Mercury or clean-up residues resulting from spills or leaks;~~

~~3. Other wastes generated as a result of the handling of universal waste gauges.~~

~~(B) If a whole or partial universal waste gauge from which mercury has been drained exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this chapter.~~

~~(C) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(D) If the drained gauge, mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(h) Universal waste novelties. A large quantity handler of universal waste shall manage universal waste novelties in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) Universal waste novelties whose only mercury is contained in a button cell or other mercury-containing battery shall be managed in accordance with the requirements for universal waste batteries, pursuant to subsection (a) of this section.~~

~~(A) If they are removable, a large quantity handler of universal waste may remove mercury-containing batteries from a universal waste novelty.~~

~~(B) If, after removal of all mercury-containing batteries, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.~~

~~(C) Batteries removed from universal waste novelties may be managed as universal waste batteries, pursuant to subsection (a) of this section.~~

~~(2) Universal waste novelties that are painted with mercury-containing paint shall be accumulated in an airtight container. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) Universal waste novelties that contain liquid mercury shall be managed as follows:~~

~~(A) Universal waste novelties that contain liquid mercury shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;~~

~~(B) A mercury clean-up system shall be readily available; and~~

~~(C) Any universal waste novelty containing liquid mercury that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions shall be placed in an airtight container. The container shall meet the~~

requirements of subparagraph (A) of this paragraph.

~~(4) Universal waste novelties whose only mercury is contained in a mercury switch or switches shall be managed in accordance with the requirements for universal waste switches and thermometers, pursuant to subsection (d) of this section.~~

~~(A) If they are removable, a large quantity handler of universal waste may remove mercury switches from a universal waste novelty.~~

~~(B) If, after removal of all mercury switches, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.~~

~~(C) Switches removed from universal waste novelties may be managed as universal waste switches and thermometers, pursuant to subsection (d) of this section.~~

~~(5)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other wastes generated as a result of the handling of novelties that contain liquid mercury.~~

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(i) Universal waste counterweights and dampers. A large quantity handler of universal waste shall manage universal waste counterweights and dampers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) Prior to shipping universal waste counterweights and dampers to a recycler, a large quantity handler of universal waste shall pack universal waste counterweights and dampers in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A large quantity handler of universal waste shall place any universal waste counterweight or damper that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) A large quantity handler of universal waste shall ensure that a mercury clean-up system is readily available;~~

~~(4)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~

~~2. Other wastes generated as a result of the handling of universal waste~~

counterweights and dampers.

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(j) Universal waste dilators and weighted tubing. A large quantity handler of universal waste shall manage universal waste dilators and weighted tubing in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) Prior to shipping universal waste dilators and weighted tubing a large quantity handler of universal waste shall pack universal waste dilators and weighted tubing in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A large quantity handler of universal waste shall place any universal waste dilators and weighted tubing that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) A large quantity handler of universal waste shall ensure that a mercury clean-up system is readily available.~~

~~(4)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

- ~~1. Mercury or clean-up residues resulting from spills or leaks; and/or~~
- ~~2. Other wastes generated as a result of the handling of universal waste dilators and weighted tubing.~~

~~(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

~~(k) Universal waste rubber flooring. A large quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.~~

~~(l) Universal waste gas flow regulators. A large quantity handler of universal waste shall manage universal waste gas flow regulators in a way that prevents releases of any universal waste or component of a universal waste to the environment, as~~

follows:

~~(1) A large quantity handler of universal waste shall ensure that universal waste gas flow regulators are kept upright at all times during accumulation and transportation.~~

~~(2) A large quantity handler of universal waste shall place each regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the regulator. The container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(3) A large quantity handler of universal waste shall ensure that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gas flow regulators to an airtight container that meets the requirements of paragraph (2) of this subsection.~~

~~(4)(A) A large quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:~~

~~1. Mercury or clean-up residues resulting from spills or leaks; and~~

~~2. Other wastes generated as a result of the handling of universal waste gas flow regulators.~~

~~(B) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.~~

~~(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.~~

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.33.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.33.5 to read:

§66273.33.5. Universal Waste Management Requirements for Electronic Devices, CRTs, and CRT Glass.

The requirements of this section apply only to universal waste handlers of electronic devices, CRTs, and/or CRT glass.

(a) Electronic devices.

(1) A universal waste handler of electronic devices shall:

(A) Comply with the applicable requirements of sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39, of this article with respect to the management of those electronic devices; and

(B) Manage electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, as follows:

1.a. A universal waste handler shall contain any electronic device in a manner that prevents breakage and release of components to the environment. If a container is used, such a container shall prevent leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

b. Intact electronic devices that are managed in a manner that prevents breakage of the electronic devices and release of components of the electronic devices to the environment under reasonably foreseeable conditions (e.g., stretch-film on a pallet) shall be deemed to comply with subsection (a)(1)(B)1.a. of this section.

2. A universal waste handler shall immediately clean up and place in a container any electronic device that is accidentally or unintentionally broken and may be expected to cause a release of hazardous constituents to the environment under reasonably foreseeable conditions. The container shall be structurally sound, compatible with the contents of the electronic devices and shall prevent releases of components to the environment under reasonably foreseeable conditions.

(2) Except as otherwise provided in subsection (a)(3) of this section, a universal waste handler of electronic devices shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (a)(1) of this section with respect to the electronic devices.

(3) A universal waste handler of electronic devices shall be exempt from the requirements of article 7 of this chapter with respect to the electronic devices, if the universal waste handler:

(A) Manages only electronic devices that are intact (except for the occasional electronic device that is accidentally or unintentionally broken and that is managed according to the applicable provisions of this chapter);

(B) Ensures that the intact electronic devices remain intact (except for the occasional electronic device that is accidentally or unintentionally broken and that is managed according to the applicable provisions of this chapter) throughout the entire time they are in the universal waste handler's custody; and

(C) Complies with the requirements of section (a)(1) of this section.

(b) CRTs.

(1) A universal waste handler of CRTs shall:

(A) Comply with the applicable requirements of sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39, of this article with respect to the management of those CRTs; and

(B) Manage CRTs in a manner that prevents releases of any CRTs or component of any CRTs to the environment under reasonably foreseeable conditions, as follows:

1. A universal waste handler shall contain any CRT in a container or package that is structurally sound, adequate to prevent breakage of the CRT, and compatible with the contents of the CRT. Such a container or package shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

2. A universal waste handler shall immediately clean up and place in a container any CRT that is broken and shall place in a container any CRT that shows evidence of breakage, leakage, or damage that could cause the release of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions. The containers shall be structurally sound, compatible with the contents of the CRTs and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

3. A universal waste handler shall place CRTs in a container with packing materials, if such material is necessary to prevent breakage during handling, storage and transportation.

(2) A universal waste handler of CRTs shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (b)(1) of this section with respect to the CRTs.

(c) CRT glass.

(1) A universal waste handler of CRT glass shall:

(A) Comply with the applicable requirements of sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39, of this article with respect to the management of the CRT glass; and

(B) Manage CRT glass in a way that prevents releases of any CRT glass to the environment under reasonably foreseeable conditions, as follows:

1. A universal waste handler shall contain any CRT glass in a container or package that is structurally sound and compatible with the contents of the CRT glass to prevent releases to the environment. Such a container or package shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

2. A universal waste handler shall immediately clean up and place in a container any CRT glass that is released from a broken CRT or that is spilled. A universal waste handler shall immediately clean up and place in another container any CRT glass that is released as a result of breakage, leakage, or damage to a container of CRT glass, and shall place in that other container any unreleased CRT glass remaining in the broken, leaking, or damaged container. The containers into which CRT glass is placed shall be structurally sound, compatible with the contents of the CRT glass, and shall lack evidence of leakage, spillage or damage that could

cause leakage or releases of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

(2) A universal waste handler of CRT glass shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (c)(1) of this section with respect to the CRT glass.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.34 to read:

§66273.34. Labeling/Marking.

Except as otherwise provided in subsection (g) of this section, a ~~A large quantity universal waste handler of universal waste~~ shall label or mark the universal waste to identify the type of universal waste as specified below in subsections (a) through (f) of this section.

(a) ~~Universal waste b~~Batteries (i.e., each battery), or a container ~~or tank~~ in which the batteries are contained, shall be labeled or marked clearly with ~~any one of the following phrases: "Universal Waste--Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."~~

(b) ~~Universal waste thermostats~~ Mercury-containing equipment (i.e., each individual mercury-containing equipment ~~thermostat~~), or a container ~~or tank~~ in which the ~~thermostats~~ mercury-containing equipment are ~~is~~ contained, shall be labeled or marked clearly with ~~any one of the following phrases: "Universal Waste--Mercury Thermostat(s)-Containing Equipment," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."~~

(c) Lamps (including M003 wastes that contain lamps) (i.e., ~~e~~Each lamp), or a container or package in which ~~such the~~ lamps are contained, shall be labeled or marked clearly with ~~any one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."~~

(d) Electronic devices (i.e., ~~e~~Each consumer electronic device), or a container or ~~package pallet in or on~~ on which the consumer electronic devices are contained, shall be labeled or marked clearly with ~~one of the following phrases: "Universal Waste--Consumer Electronic Device(s)" or "UW--Consumer Electronic Device(s)."~~

(e) CRTs (i.e., each CRT), or a container or pallet in or on which the CRTs are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--CRT(s)". ~~Universal waste mercury switches and thermometers or a container in which the switches are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Switch(es)," or "Waste Mercury Switch(es)," or "Used Mercury Switch(es)."~~

(f) A container of CRT glass shall be labeled or marked clearly with the following phrase: "Universal Waste--CRT glass". ~~Dental amalgam. A container in which universal waste dental amalgam is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Dental Amalgam," or "Waste Dental Amalgam" or "Scrap Dental Amalgam;"~~

(g) In lieu of labeling individual electronic devices, CRTs, and/or containers of CRT glass pursuant to subsections (d) through (f) of this section, a universal waste handler may accumulate those universal wastes within a designated area demarcated by boundaries that are clearly labeled with the applicable portion(s) of either of the following phrases: "Universal Waste--Electronic Device(s)/Universal Waste--CRT(s)/Universal Waste--CRT Glass". ~~Pressure or vacuum gauges.~~

(1) ~~A container in which universal waste gauges are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Gauge(s)," or~~

~~“Waste Mercury Gauge(s)” or “Used Mercury Gauge(s);”~~

~~(2) A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: “Universal Waste--Drained Mercury,” or “Universal Waste--Mercury from Gauges;”~~

~~(h) Universal waste novelties or a container in which the novelties are contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste--Novelty(ies),” or “Waste Mercury Novelty(ies)” or “Used Mercury Novelty(ies);”~~

~~(i) Universal waste counterweights and dampers, a product that contains one or more counterweights and/or dampers, or a container in which the counterweights and/or dampers are contained, shall be labeled or marked clearly with any one of the following phrases, as appropriate: “Universal Waste--Counterweight(s),” or “Universal Waste--Damper(s);” “Waste Mercury Counterweight(s)” or “Waste Mercury Damper(s);” “Used Mercury Counterweight(s),” or “Used Mercury Damper(s);”~~

~~(j) Universal waste dilators and weighted tubing or a container in which the dilators and weighted tubing are contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: “Universal Waste--Dilator(s),” “Waste Mercury Dilator(s)” “Used Mercury Dilator(s),” “Universal Waste--Mercury-Weighted Tubing,” “Waste Mercury-Weighted Tubing,” or “Used Mercury-Weighted Tubing;”~~

~~(k) Universal waste rubber flooring or a container in which the flooring is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste--Rubber Flooring,” or “Waste Mercury-Containing Flooring” or “Used Mercury-Containing Flooring;”~~

~~(l) Gas flow regulators. A waste gas meter that contains a mercury gas flow regulator or a container in which a universal waste gas flow regulator is contained shall be labeled or marked clearly with any one of the following phrases: “Universal Waste--Gas Flow Regulator,” or “Waste Mercury Gas Flow Regulator” or “Used Mercury Gas Flow Regulator.”~~

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.34.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.35 to read:

§66273.35. Accumulation Time Limits.

(a) A large quantity universal waste handler of universal waste may shall accumulate universal waste for no longer than one year from the date the universal waste ~~is~~ was generated, or was received from another universal waste handler, ~~unless the requirements of subsection (b) of this section are met.~~

~~(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.~~

~~(b)(c)~~ A large quantity universal waste handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it ~~becomes~~ became a waste or ~~is~~ was received. The universal waste handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system ~~on-site~~ onsite that identifies the date the universal waste being accumulated became a waste or was received;

(4) Maintaining an inventory system ~~on-site~~ onsite that identifies the earliest date that any universal waste in a group of items of universal waste ~~items~~ or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and ~~identifying marking or labeling the area to identify~~ the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it ~~becomes~~ became a waste or ~~is~~ was received.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.35.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.36 to read:

§66273.36. Personnel ~~Employee~~ Training.

(a) A large quantity universal waste handler of universal waste shall ensure that all employees personnel who manage universal wastes from offsite sources at the universal waste handler's facility are thoroughly familiar with proper universal waste handling management and emergency response procedures, relative to their those persons' responsibilities during normal facility operations and emergencies, as specified in subsections (b) and (c) of this section.

(1) For purposes of this section, "personnel who manage universal waste from offsite sources" means any persons who consolidate, sort, treat, recycle, package for transport, offer for transport, or physically relocate containers of universal waste.

(2) Persons who, in the course of their normal duties, only generate universal wastes from onsite sources and place them into accumulation containers, areas or locations are not "personnel who manage universal waste from offsite sources" (e.g., an office worker who removes spent batteries from an electronic device).

(b) A universal waste handler shall initially train and provide annually, thereafter, training to all personnel who manage or who supervise those who manage universal wastes from offsite sources. Training materials shall be in the form of any written media (e.g., brochures, electronic mail, company letters, pamphlets, posters, etc.) and shall include the date of that material. This training shall include, at a minimum:

(1) The types and hazards associated with the universal waste that personnel may manage at the facility (e.g., hazards due to leaded glass in CRT devices or CRTs);

(2) The proper disposition of universal wastes managed at the facility (e.g., the locations of universal waste containers, or the location of a centralized universal waste accumulation area);

(3) The proper procedures for responding to releases of universal wastes (e.g., spilled CRT glass) including the position titles names and the means of contacting those personnel at the facility who are designated to respond to reports of releases (e.g., spilled CRT glass) and/or to respond to questions received from other personnel at the facility; and

(4) The applicable requirements contained in this chapter regarding labeling, collecting, handling, consolidating, and shipping universal wastes at the facility, including, but not limited to, the prohibition on the disposal of universal wastes, and for personnel involved in shipping universal wastes who are "hazmat employees", as defined in 49 Code of Federal Regulations section 171.8, the applicable requirements prescribed in 49 Code of Federal Regulations section 172.704.

(c) The universal waste handler shall maintain a written record by date (e.g., a list of personnel who have received either initial or annual training information) indicating the names of personnel who received the information specified in subsection (b) of this section.

(d) The universal waste handler shall maintain the record specified in subsection (c) of this section for at least three years from the date the person last managed any universal waste at the facility. The record of training for a “hazmat employee”, as defined in 49 Code of Federal Regulations section 171.8, shall meet the applicable requirements of 49 Code of Federal Regulations section 172.704(d). The training record may accompany a person who is transferred within the same company.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.36.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.37 to read:

§66273.37. Response to Releases.

(a) A ~~large quantity~~ universal waste handler ~~of universal waste~~ shall immediately contain all releases of universal wastes and ~~other~~ of residues from universal wastes to the environment.

(b) A ~~large quantity~~ universal waste handler ~~of universal waste~~ shall determine whether any material resulting from ~~the~~ such a release is a hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the ~~material hazardous waste~~ resulting from the release, and is subject to the requirements of chapter 12.

(c) Hazardous wWaste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.33 or 66273.33.5.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.37.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.38 to read:

§66273.38. ~~Off-Site~~ Offsite Shipments.

(a) A ~~large quantity~~ universal waste handler ~~of universal waste~~ is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a ~~large quantity~~ universal waste handler ~~of universal waste~~ self-transportes universal waste ~~off-site~~ offsite, the universal waste handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 5 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for ~~off-site~~ offsite transportation meets the definition of hazardous materials pursuant to ~~under~~ 49 CFR parts 171 through 180, a ~~large quantity~~ universal waste handler ~~of universal waste~~ shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations pursuant to ~~under~~ 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler or to a destination facility, the originating universal waste handler shall ensure that the receiving universal waste handler or destination facility agrees (e.g., verbal or written communication) to receive the shipment.

(e) If a ~~large quantity~~ universal waste handler ~~of universal waste~~ sends a shipment of universal waste to another universal waste handler or to a destination facility and the shipment is rejected by the receiving universal waste handler or destination facility, the originating universal waste handler shall either:

(1) Receive the universal waste back when notified that the shipment has been rejected; _i or

(2) Agree with the receiving universal waste handler on a destination facility to which the shipment will be sent.

(f) A ~~large quantity~~ universal waste handler ~~of universal waste~~ may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that ~~he~~ the universal waste handler has received from another universal waste handler. If a universal waste handler rejects a shipment or a portion of a shipment, ~~he~~ the universal waste handler shall contact and notify the originating universal waste handler ~~to notify him~~ of the rejection and to discuss reshipment of the load. The universal waste handler shall:

(1) Send the shipment back to the originating universal waste handler; _i or

(2) If agreed to by both the originating and receiving universal waste handler, send the shipment to a destination facility.

(g) If a ~~large quantity~~ universal waste handler ~~of universal waste~~ receives as universal waste, a shipment containing hazardous waste that is not a universal waste, the universal waste handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and telephone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a ~~large quantity~~ universal waste handler ~~of universal waste~~ receives as

universal waste, a shipment of ~~non-hazardous~~ nonhazardous, ~~non-universal~~ waste, the universal waste handler ~~may~~ shall manage the nonhazardous waste in any way that is in compliance with applicable federal, state ~~or~~ and local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.38.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.39 to read:

§66273.39. Tracking Universal Waste Shipments.

(a) Receipt of shipments. A ~~large-quantity universal waste~~ handler of universal waste shall keep a record of each shipment of universal waste received at the universal waste handler's facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler ~~or foreign shipper from whom~~ which the universal waste was sent;

(2) The quantity [count or weight, consistent with, for example, section 66273.32, subsection (d)] of each type of universal waste received (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass); and

(3) The date of receipt of the shipment of universal waste.

(b) For purposes of compliance with subsection (a) of this section, a universal waste handler who receives universal wastes from household generators and conditionally exempt small quantity universal waste generators, as defined in section 66273.9, may

(1) in lieu of the originating universal waste handler's name and address, record "household generator" or "CESQUWG", and

(2) record the total quantity of each type of universal waste as an aggregate from households and/or conditionally exempt small quantity universal waste generators, as defined in section 66273.9.

~~(b c)~~ Shipments ~~off-site~~ onsite. A ~~large-quantity universal waste~~ handler of universal waste shall keep a record of each shipment of universal waste sent from the universal waste handler's facility to another facilities facility. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

(1) The name and address of the universal waste handler, or destination facility, ~~or foreign destination to whom~~ which the universal waste was sent;

(2) The quantity [count or weight, consistent with, for example, section 66273.32, subsection (d)] of each type of universal waste sent (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass);

(3) The date of departure of the shipment of universal waste ~~left the facility~~.

~~(c d)~~ Record retention.

(1) A ~~large-quantity universal waste~~ handler of universal waste shall retain the each records described in subsection (a) of this section for at least three years from the date of receipt of a the corresponding shipment of universal waste.

(2) A ~~large-quantity universal waste~~ handler of universal waste shall retain the each records described in subsection (b) of this section for at least three years from the date a of departure of the corresponding shipment of universal waste ~~left the facility~~.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5,

25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.39.

Amend California Code of Regulations, title 22, division 4.5, chapter 23 to add article 4 and **amend** section 66273.40 to read:

Article 4. Export and Import Requirements

§66273.40. Exports.

(a) Universal waste handler requirements.

(1) A universal waste handler who sends universal waste, not including electronic devices, CRTs, and CRT glass, to an OECD country specified in section 66262.58, subsection (a)(1), is subject to the requirements of article 8 of chapter 12.

(2) A large quantity universal waste handler of universal waste who sends universal waste, not including consumer electronic devices, CRTs, and CRT glass, to a foreign destination in a country other than to these an OECD countries country specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12), shall:

(A)(a) Comply with the requirements applicable to a primary exporter in sections 66262.53, 66262.56(a)(1) through (a)(4), (a)(6), and (b), and 66262.57;

(B)(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in article 5 of chapter 12 and the EPA Acknowledgment of Consent, as defined in section 66260.10; and

(C)(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment universal waste for export, a copy of the EPA Acknowledgment of Consent for that universal waste.

(3)(d) A large quantity universal waste handler of universal waste who sends consumer electronic devices, CRTs, and/or CRT glass to any foreign destination shall do all of the following:

(A) For used CRTs to be exported for reclamation, comply with the federal notification and EPA Acknowledgment of Consent requirements of 40 Code of Federal Regulations section 261.39(a)(5), if applicable.

(B) For used, intact CRTs to be exported for reuse, comply with the federal notification and recordkeeping requirements of 40 Code of Federal Regulations section 261.41, if applicable.

(C) In accordance with subsection (a)(4) of this section, notify the Department and concurrently send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before any such consumer electronic devices, CRTs, and/or CRT glass is are scheduled to leave the United States. A completed notification shall be submitted to the address specified in subsections (a)(5) and (a)(6) of this section four weeks sixty (60) calendar days before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.

(D) Concurrently send a copy of the notification required pursuant to subsection (a)(3)(A) of this section, to the CUPA having jurisdiction over the universal waste handler's facility, or, if there is no such CUPA, to the agency authorized pursuant to

subdivision (f) of Health and Safety Code section 25404.3.

(4)(e) The notification submitted pursuant to subsection (d) (a)(3)(C) of this section shall be in writing, be signed by the universal waste handler, and include the following information:

(A)(1) The name, mailing address, and telephone number, and ID Number (if applicable) of the universal waste handler; and

(B)(2) The following information with respect to each foreign destination, for each type of consumer electronic devices, CRTs, and/or CRT glass:

1.(A) The amount quantity (by count or by weight) of consumer the electronic devices, the CRTs, and/or the CRT glass, respectively, to be exported to the foreign destination (by count or by weight);

2.(B) The estimated frequency or rate at which the consumer electronic devices, the CRTs, and/or the CRT glass, respectively, is are to be exported to the foreign destination, and the period of time over which the consumer electronic devices, the CRTs, and/or the CRT glass, respectively, is are to be exported to that destination;

3.(C) All points of entry to and departure from each foreign country through which the consumer electronic devices, the CRTs, and/or the CRT glass, respectively, will pass en route to the foreign destination;

4. A description of the means by which each shipment of the electronic device, the CRTs, and/or the CRT glass, respectively, will be transported (e.g., mode of transportation vehicle, type(s) of containers).

5.(D) If the foreign destination is a destination facility that recycles the electronic devices, CRTs, and/or CRT glass, a description of the means by which each shipment of consumer the electronic devices, the CRTs, and/or the CRT glass, respectively, will be recycled at the foreign destination facility; and

6.(E) The name and site address of the consignee foreign destination or any alternate consignee foreign destination.

7. For used CRTs to be exported for reclamation, a copy of the notification forwarded by the exporter to USEPA pursuant to 40 Code of Federal Regulations section 261.39(a)(5)(i).

8. For used, intact CRTs to be exported for reuse, a copy of the one time notification submitted by the exporter to the USEPA pursuant to 40 Code of Federal Regulations section 261.41.

9. For CRT glass to be exported, the name and location of the lead smelter or CRT glass furnace that will recycle the CRT glass.

(5)(f) Electronic submissions. If submitted electronically, Department Notifications submitted pursuant to under subsection (d) (a)(3) of this section shall be sent to the Department at <http://www.dtsc.ca.gov>. For electronic export notifications, the universal waste handler signature required by subsection (a)(4) of this section shall be submitted to the address provided in subsection (a)(6) of this section.

(6) Written submissions. If submitted in writing, Department notifications submitted pursuant to subsection (a)(3) of this section shall be sent to the Department following address by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory and Programs Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Consumer Electronic Devices, CRTs,

and/or CRT Glass” prominently displayed on the front of the envelope.

(b) A person who exports used CRTs for reclamation shall forward a copy of the completed EPA Acknowledgment of Consent forwarded to the person by USEPA pursuant to 40 Code of Federal Regulations section 261.39(a)(5)(iv) to the Department. This copy shall be forwarded to the Department at the address shown in subsection (a)(5) or (a)(6) of this section within 30 calendar days of receipt. If submitted by mail, “Attention: Acknowledgment of Consent to Export CRTs” shall be prominently displayed on the front of the envelope.

(c) A person who exports shall keep copies of notifications and all applicable records which demonstrate compliance pursuant to subsections (a)(4)(B)7. through (a)(4)(B)9. and subsection (b) of this section for a period of three years from the date of shipment.

(d) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

(e) Export requirements for universal waste transporters are set forth in article 5 of this chapter.

NOTE: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25219.1 and 58012, Health and Safety Code, and Section 42475 42476.5 of the Public Resources Code. Reference: Sections 25141, 25150, 25150.2, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code, Section 42476.5 of the Public Resources Code; 40 CFR Sections 261.39, 261.40, 261.41, and 273.40.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.41 to read:

§66273.41. Accumulation of Mercury-Containing Universal Wastes Received from Other Universal Waste Handlers Imports.

~~(a) A large quantity handler of universal waste may accumulate the following universal wastes received from other handlers only at a location where accumulation of universal waste is consistent with local land use zoning or land use patterns:~~

~~(1) Mercury-containing motor vehicle switches (including, but not limited to M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;~~

~~(2) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;~~

~~(3) Dental amalgam wastes, as described in section 66273.7.3;~~

~~(4) Pressure or vacuum gauges, as described in section 66273.7.4;~~

~~(5) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;~~

~~(6) Mercury counterweights and dampers, as described in section 66273.7.6;~~

~~(7) Mercury thermometers, as described in section 66273.7.7;~~

~~(8) Mercury dilators and weighted tubing, as described in section 66273.7.8;~~

~~(9) Mercury containing rubber flooring, as described in section 66273.7.9; and~~

~~(10) Mercury gas flow regulators, as described in section 66273.10.~~

~~(b) A large quantity handler of universal waste who accumulates any of the universal wastes listed in subsection (a) received from other handlers shall:~~

~~(1) Comply with all applicable requirements for handlers of hazardous materials;~~

~~(2) Disclose that mercury is being handled in all applicable business and use permitting applications;~~

~~(3) Comply with the location standards in section 66265.18;~~

~~(4) Comply with the seismic precipitation design standards in section 66265.25;~~

~~(5) Accumulate universal wastes listed in subsection (a) only in areas that are zoned for commercial or industrial uses; and~~

~~(6) Accumulate universal wastes listed in subsection (a) in a location that does not pose site specific land use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.~~

(a) A person who manages a universal waste that is imported into the United States from a country, other than an OECD country specified in section 66262.58, subsection (a)(1), is subject to the applicable requirements of this chapter, beginning immediately after the universal waste enters the United States, as indicated in subsections (a)(1) through (a)(3) of this section:

(1) A universal waste transporter is subject to the universal waste transporter requirements of article 5 of this chapter.

(2) A universal waste handler is subject to the universal waste handler requirements of article 3 of this chapter, as applicable.

(3) An owner or operator of a destination facility is subject to the destination facility requirements of article 6 of this chapter.

(b) A person who manages a universal waste that is imported into the United States from an OECD country specified in section 66262.58, subsection (a)(1), is subject to subsections (a)(1) through (a)(3) of this section, in addition to the requirements of article 8 of chapter 12.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, article 4 to read:

Article 4 5. Standards for Universal Waste Transporters

§66273.50. Applicability.

This article applies to universal waste transporters (as defined in section 66273.9).

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.50.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.51 to read:

§66273.51. Prohibitions.

A universal waste transporter is:

- (a) Prohibited from disposing of universal waste;
- (b) Prohibited from diluting or treating universal waste, except ~~by~~ as a consequence of responding to a release as provided in section 66273.54; ~~and;~~
- (c) Prohibited from transporting more than five CRTs ~~and CRT devices~~ at any one time unless the CRTs ~~materials~~ are contained as described in subsection ~~66273.83(a)(1)~~ 66273.33.5, subsection (b)(1)(B); and
- (d) Prohibited from transporting more than 100 kilograms or 220 pounds of electronic devices at any one time unless the electronic devices are contained as described in section 66273.33.5, subsection (a)(1)(B).

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.51.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.52 to read:

§66273.52. Waste Management.

(a) A universal waste transporter shall comply with all applicable U.S. ~~Department of Transportation~~ DOT regulations in 49 CFR parts 171 through 180 for transport of any universal waste that meets the definition of a hazardous material in 49 CFR 171.8. For purposes of the ~~Department of Transportation~~ DOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency USEPA specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste pursuant to ~~under~~ the ~~Department of Transportation~~ DOT regulations.

(b) Some universal waste materials are regulated by the ~~Department of Transportation~~ DOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest pursuant to ~~under~~ chapter 12 ~~and are conditionally exempt from classification as a hazardous waste~~, they ~~may~~ shall not be described by the DOT proper shipping name "hazardous waste, (I) or (S), n.o.s.", nor ~~may~~ shall the hazardous material's proper shipping name be modified by adding the word "waste".

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.52.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.53 to read:

§66273.53. Storage Time Limits.

(a) A universal waste transporter ~~may~~ shall only store ~~the~~ universal waste at a universal waste transfer facility for ten days or less in an area zoned “industrial” and for six days or less in all other areas.

(b) If a universal waste transporter stores a universal waste for more than ten days in an area zoned “industrial” or for more than six days in any other area, the transporter becomes a universal waste handler with respect to that universal waste and shall comply with the applicable requirements of article ~~2~~ or 3 of this chapter while storing the universal waste.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.53.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.54 to read:

§66273.54. Response to Releases.

(a) A universal waste transporter shall immediately contain all releases of universal wastes and ~~other~~ of residues from universal wastes to the environment.

(b) A universal waste transporter shall determine whether any material resulting from ~~the such a~~ release is a hazardous waste, and if so, ~~it is subject to~~ shall manage the hazardous waste in compliance with all applicable requirements of this division. ~~If the waste is determined to be a hazardous waste, the universal waste transporter is considered the generator of any hazardous waste resulting from the release, and is subject to the requirements of~~ chapter 12.

(c) Hazardous wWaste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section ~~66273.13 or 66273.33 or 66273.33.5~~.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.54.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.55 to read:

§66273.55. ~~Off-Site~~ Offsite Shipments.

(a) A universal waste transporter is prohibited from transporting ~~the~~ a universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped ~~off-site~~ offsite meets the DOT ~~Department of Transportation's~~ definition of a hazardous materials ~~pursuant to~~ under 49 CFR section 171.8, the ~~shipment~~ universal waste shall be properly described on a shipping paper in accordance with the applicable ~~Department of Transportation~~ DOT regulations under 49 CFR part 172.

NOTE: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25150.2, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.55.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.56 to read:

§66273.56. Exports.

~~(a)(1) A universal waste transporter who transportings a shipment of universal waste to a foreign destination other than to those an OECD countriesy specified in section 66262.58(a)(1) (in which case the transporter is subject to the requirements of article 8 of chapter 12.) may~~

(2) A universal waste transporter who transports universal waste to a foreign destination in a country other than an OECD country specified in section 66262.58, subsection (a)(1), shall not accept a shipment of such waste if the universal waste transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the universal waste transporter shall ensure that:

(aA) A copy of the EPA Acknowledgment of Consent accompanies the shipment;
and

(bB) The shipment is delivered to the facility designated by the person initiating who initiated the shipment.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.56.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, article 5, and section 66273.60 to read:

Article 5 6. Standards for Destination Facilities

§66273.60. Applicability.

(a) Except as provided in subsections (b) and (c) of this section, the owner or operator of a destination facility (as defined in section 66273.9) is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this chapter division, and the notification requirement pursuant to under Health and Safety Code section 25153.6.

(b) The owner or operator of a destination facility that recycles a universal waste that is a RCRA hazardous waste by conducting one or more of the management activities described in section 66273.33, subsections (a)(2)(A), (B), (E) and (F), section 66273.33, subsection (b)(3), and/or section 66273.33.5, subsections (a) through (c), shall may manage that universal waste pursuant to the reduced requirements specified in this chapter for universal waste handlers comply with the applicable provisions of chapter 14 or 15 and the applicable provisions of chapter 20.

(c) The owner or operator of a destination facility that complies with subsection (a) of this section, and that treats and/or recycles a universal waste that is a non-RCRA hazardous waste by conducting one or more of the management activities described in section 66273.72, subsection (b), section 66273.72, subsection (c), section 66273.73, subsection (a)(1)(A) and/or section 66273.73, subsection (b)(1) shall be eligible to store that universal waste prior to treatment of the universal waste in accordance with the reduced requirements specified in this chapter for universal waste handlers provided such storage and accumulation occur in areas designated for universal waste storage in the facility's permit. Facilities authorized to conduct these treatment activities on the effective date of these regulations and operating under permits issued prior to the effective date of these regulations shall request a Class 1 modification to their permits to address the universal waste handling activities and designate the universal waste storage locations. This request for a Class 1 modification shall be made pursuant to section 66270.42, subsection (d) for modifications to facility permits that are not listed in Appendix I of chapter 20 of this division.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.60.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.61 to read:

§66273.61. ~~Off-Site~~ Offsite Shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, ~~he the owner or operator~~ shall contact the shipper to notify ~~him~~ the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall:

(1) Send the shipment back to the original shipper; ~~or~~

(2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the ~~a~~ owner or operator of a destination facility receives as universal waste, a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the Department of the illegal shipment, and provide the name, address, and telephone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives as universal waste, a shipment of ~~non-hazardous nonhazardous, non-universal~~ waste, the owner or operator ~~may~~ shall manage the nonhazardous waste in any way that is in compliance with applicable federal, ~~or~~ state and local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.61.

Amend California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.62 to read:

§66273.62. Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign shipper from ~~whom~~ which the universal waste was sent;

(2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass);

(3) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility shall retain ~~the~~ each records described in subsection (a) of this section for at least three years from the date of receipt of a the corresponding shipment of universal waste.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.62.

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, article 6 and section 66273.70 to read:

~~Article 6. Import Requirements~~

~~§66273.70. Imports.~~

~~Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this chapter, immediately after the waste enters the United States, as indicated in subsections (a) through (c) of this section:~~

~~(a) A universal waste transporter is subject to the universal waste transporter requirements of article 4.~~

~~(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of article 2 or 3, as applicable.~~

~~(c) An owner or operator of a destination facility is subject to the destination facility requirements of article 5.~~

~~(d) Persons managing universal waste that is imported from an OECD country as specified in section 66262.58(a)(1) are subject to subsections (a) through (c) of this section, in addition to the requirements of article 8 of chapter 12.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.70.~~

Amend California Code of Regulations, title 22, division 4.5, chapter 23, article 7 and to add section 66273.70 to read:

Article 7. ~~Standards for CRT Material Handlers~~ Authorization Requirements for Universal Waste Handlers Who Treat Universal Wastes

§66273.70. Applicability.

(a) Except as otherwise provided in subsections (b), (c), and (d) of this section, a universal waste handler, who treats universal waste, is subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this division with respect to the treatment of that universal waste.

(b) Except as otherwise provided in subsection (d) of this section, a universal waste handler, who manages a universal waste for purposes of recycling it or its component(s) by performing one or more activities listed in one or more of the three categories given in subsection (c) of this section, shall be deemed authorized by the Department to conduct those activities, provided the universal waste handler complies with the applicable requirements of this article in addition to the applicable requirements of subsection (c) of section 66273.33, and to the applicable requirements of subsections (a)(1), (b)(1), and (c)(1) of section 66273.33.5. The authorization created by this subsection shall not be deemed to be any of the following:

(1) A permit-by-rule;

(2) A conditional authorization; or

(3) A conditional exemption.

(c) Activities eligible for authorization pursuant to subsection (b) of this section are any of the following:

(1) Removal activities. Removing user-replaceable components from electronic devices, as specified in section 66273.71.

(2) Disassembling/draining activities.

(A) Removing CRTs from electronic devices, as specified in section 66273.72, subsection (b);

(B) Dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs, as specified in section 66273.72, subsection (c);

(C) Removing mercury ampules and/or mercury switches from mercury-containing equipment, as specified in section 66273.72, subsection (d); and/or

(D) Draining liquid mercury from pressure or vacuum gauges, as specified in section 66273.72, subsection (e).

(3) Treatment activities.

(A) Treating electronic devices, as specified in section 66273.73, subsection (a); and/or

(B) Treating CRTs and/or CRT glass, as specified in section 66273.73, subsection (b).

(d) A universal waste handler, who manages universal waste as a consequence of responding to a release in accordance with section 66273.37, is exempt from the otherwise applicable requirements of this article and of chapters 14,

15, 16, 18, 20, and 22 of this division with respect to such treatment of the waste.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code.
Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.71 to read:

§66273.71. Authorization for Removal Activities

(a) Removing user-replaceable components.

A universal waste handler, who conducts the activities identified in subsections (b) and (c) of this section on electronic devices, shall be deemed authorized by the Department to perform these activities, and is exempt from the requirements of sections 66273.74 through 66273.77, provided the universal waste handler complies with the requirements specified in subsections (b) through (g) of this section.

(b) A universal waste handler shall remove only those discrete assemblies, such as batteries or ink cartridges, which are typically removed for replacement during the normal operating life of an electronic device.

(c) A universal waste handler shall conduct the removal of the discrete assemblies in the manner that is prescribed in the operating manual for the electronic device, or in a manner that would otherwise reasonably be employed during the normal operating life of the electronic device.

(d) A universal waste handler shall not conduct any activity prescribed in section 66273.72 to disassemble or drain onsite any residual resulting from any onsite activity authorized by this section unless the handler is authorized to conduct onsite disassembly or draining activity on universal wastes pursuant to section 66273.72.

(e) A universal waste handler shall not use any treatment method prescribed in subsection (c) of section 66273.73 to treat onsite any residual resulting from any onsite activity authorized by this section unless the handler is also authorized to treat universal wastes onsite pursuant to section 66273.73.

(f) A universal waste handler shall not transfer any residual resulting from any onsite activity authorized by this section to another person for the purpose of conducting any activity prescribed in section 66273.72 to disassemble or drain the residual onsite unless the other person is also authorized to disassemble or drain universal wastes onsite pursuant to section 66273.72 or is a destination facility.

(g) A universal waste handler shall not transfer any residual resulting from any onsite activity authorized by this section to another person for onsite treatment using any treatment method prescribed in subsection (c) of section 66273.73 unless the other person is authorized to treat universal wastes onsite pursuant to section 66273.73 or is a destination facility.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.72 to read:

§66273.72. Authorization for Disassembling/Draining Activities.

(a)(1) Universal waste handlers shall not conduct any activity pursuant to this section if the activity involves the use or application of:

(A) Chemicals, including water; and/or

(B) External heat.

(2) A universal waste handler shall not use any treatment method prescribed in subsection (c) of section 66273.73 to treat onsite any residual resulting from any onsite activity authorized by this section unless the handler is also authorized to treat onsite universal wastes pursuant to section 66273.73.

(3) A universal waste handler shall not transfer any residual resulting from any onsite activity authorized by this section to another person to conduct any further onsite disassembly or draining activity authorized by this section unless the other person is authorized to disassemble or drain universal wastes onsite pursuant to this section or is a destination facility.

(4) A universal waste handler shall not transfer any residual resulting from any onsite activity authorized by this section to another person for onsite treatment using any treatment method prescribed in subsection (c) of section 66273.73 unless the other person is authorized to treat universal wastes onsite pursuant to section 66273.73 or is a destination facility.

(b) Removing CRTs from electronic devices that are CRT devices.

A universal waste handler who conducts the activity identified in subsection (b)(1) of this section on electronic devices that are CRT devices shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in this subsection.

(1) The universal waste handler shall remove CRTs from electronic devices in a manner that prevents breakage of the CRTs.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, but shall:

(A) Remove CRTs only over, on, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any CRT glass that may be released to the environment under reasonably foreseeable conditions in the event of breakage;

(B) Ensure that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to remove CRTs safely (e.g., releasing the vacuum from each CRT and discharging the CRT);

(C) Place the removed CRTs in a container with packing materials, if such materials are necessary to prevent breakage of the CRTs during handling, storage and transportation;

(D) Manage the packaged CRTs in accordance with the requirements of section 66273.33.5, subsection (b); and

(E) Determine whether any of the remaining parts of the electronic device or any other waste generated during the CRT removal process would be identified as hazardous waste in chapter 11 of this division, and, if so, manage the hazardous

waste in compliance with all applicable requirements of this division.

(c) Dismantling electronic devices that are not CRT devices and/or removing yokes from CRTs.

A universal waste handler who conducts any of the activities identified in subsection (c)(1) of this section shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements in this subsection.

(1) The universal waste handler:

(A) Dismantles, or otherwise manually segregates, components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from an electronic device, or

(B) Removes the yokes from CRTs but does not break the CRT glass.

(2) The universal waste handler shall:

(A) Comply with the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, subsections (a) through (c)(1);

(B) Ensure that all activity residuals meeting either the definition of scrap metal in section 66260.10 or the definition of CRT glass in section 66273.9 are recycled; and

(C) Conduct the activities in a manner that protects persons managing the electronic devices and/or the CRTs, and that prevents releases of any universal wastes and/or any components of universal wastes, to the environment under reasonably foreseeable conditions, as follows:

1. Dismantle electronic devices and/or remove yokes from CRTs over, on, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any universal waste and/or component of such waste that may be released to the environment under reasonably foreseeable conditions.

2. Contain any hazardous residuals produced from dismantling electronic devices and/or removing yokes from CRTs in a manner that prevents releases of the residuals to the environment under reasonably foreseeable conditions.

3. Immediately clean up and place in a container any electronic device and/or CRT that is accidentally or unintentionally broken and that may reasonably be expected to cause a release to the environment under reasonably foreseeable conditions. Such a container shall be structurally sound, be compatible with the contents of the electronic device and/or CRT, and prevent releases to the environment under reasonably foreseeable conditions.

4. Place CRTs in containers with packing materials, if such materials are necessary to prevent breakage during handling, storage and transportation.

5. Ensure that all residuals produced as a result of the activities are properly classified and managed in accordance with any applicable requirements of this division (i.e., determine whether these residuals would be identified as hazardous waste in chapter 11 of this division and manage them accordingly).

6. Ensure that persons performing the activities are thoroughly familiar with the hazards associated with such treatment, have access to the proper procedures and protective equipment necessary to conduct the treatment safely, use such protective equipment if required by any applicable health and safety requirements,

and comply with the requirements of this section;

7. Ensure that the facility is operated in compliance with all applicable health and safety laws and regulations [e.g., Cal. Code Regs., tit. 8, ch. 4 (Division of Industrial Safety) subch. 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), art. 107 (Dusts, Fumes Vapors and Mists), and art. 109 (Hazardous Substances and Processes), and sec. 5198 (Lead)].

8. Ensure that the facility maintains aisle spacing in compliance with applicable fire safety code standards in California.

(d) Removing mercury ampules and/or mercury switches from mercury-containing equipment.

A universal waste handler, who conducts one or more of the activities identified in subsection (d)(1) of this section, shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in subsection (d)(2) of this section.

(1) The universal waste handler removes mercury ampules and/or mercury switches from mercury-containing equipment.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, subsections (a) through (c)(1), but shall:

(A) Comply with the recordkeeping requirements specified in section 66273.74, subsection (c)(2); and

(B) Conduct the activities in a manner that protects persons managing the mercury ampules and/or the mercury switches, and that prevents releases of any universal wastes and/or any components of universal wastes, to the environment, as follows:

1. Remove the mercury ampules and/or the mercury switches in a manner designed to prevent their breakage.

2. Remove the mercury ampules and/or the mercury switches only over, on, or in, a containment device (e.g., a tray or pan) sufficient to contain any liquid mercury that may be released to the environment (e.g., from a mercury ampule accidentally broken during removal).

3. Ensure that a mercury clean-up system is readily available for immediately transferring from the containment device to an airtight container meeting the requirements of section 66262.34, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

4. Transfer immediately from the containment device to an airtight container meeting the requirements of section 66262.34, any mercury spilled or leaked from broken mercury ampules and/or mercury switches.

5. Ensure that the area in which mercury ampules and/or mercury switches are removed is well ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) and CalOSHA exposure levels for mercury.

6. Ensure that employees removing mercury ampules and/or mercury switches are thoroughly familiar with proper handling and emergency procedures relevant to mercury and to the employees' responsibilities during normal facility operations and emergencies, including transfer of mercury from containment devices

to appropriate containers.

7. Pack in containers removed mercury ampules and/or mercury switches with packing materials adequate to prevent breakage of those ampules and/or switches during storage, handling, and transportation.

8. Store removed mercury ampules and/or mercury switches in closed, non-leaking containers that are in good condition.

(e) Draining liquid mercury from pressure or vacuum gauges.

A universal waste handler, who conducts one or more of the activities identified in subsection (e)(1) of this section, shall be deemed authorized by the Department to do so, provided the universal waste handler complies with the requirements specified in subsection (e)(2) of this section.

(1) The universal waste handler drains liquid (i.e., elemental) mercury from pressure or vacuum gauges generated by that universal waste handler, at the site where those pressure or vacuum gauges were generated.

(2) The universal waste handler shall be exempt from the notification, annual reporting, and recordkeeping requirements specified in section 66273.74, but shall:

(A) Ensure that all activity residuals meeting the definition of scrap metal in section 66260.10 are recycled.

(B) Conduct the activities in a manner that protects persons managing the pressure or vacuum gauges, and that prevents releases to the environment of any universal wastes and/or any components of universal wastes, as follows:

1. Except as otherwise provided in subsections (e)(2)(B)2. through (e)(2)(B)7. of this section, fulfill all requirements for removing mercury ampules and/or mercury switches pursuant to subsection (d)(2) of this section.

2. Ensure that the activities are performed safely by developing and implementing a written procedure detailing how to drain elemental mercury from pressure or vacuum gauges properly. This procedure shall address: the type of equipment to be used to drain the pressure or vacuum gauges safely; the operation and maintenance of the equipment; the appropriate personal protective equipment; the segregation of incompatible wastes; the proper waste management practices; the spill response procedures; and the characterization of wastes.

3. Transfer drained elemental mercury to a designated container immediately. The designated container shall be kept closed (except when adding or removing elemental mercury), be structurally sound, be compatible with elemental mercury, and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

4. Store drained elemental mercury in a container that meets the requirements of subsection (d)(2)(B)3. of this section.

5. Ensure that any container into which elemental mercury from a pressure or vacuum gauge is drained, or in which drained elemental mercury is stored, is placed into a secondary container that is in good condition, compatible with elemental mercury, and large enough to accommodate the contents of the primary container if it should leak or break.

6. Maintain for each designated container described in subsection (e)(2)(B)3. of this section, documentation that includes: the date when accumulation of elemental mercury in the container began; a description of the pressure or vacuum

gauges from which the elemental mercury originated; the cumulative quantity of elemental mercury in the container; and the date when accumulation of elemental mercury in the container ended [i.e., when the container was either full or reached the limit specified in subsection (e)(2)(B)7. of this section].

7. Accumulate no more than 35 kilograms (77 pounds) of elemental mercury at any one time.

(C)1. Determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:

a. Intact, or partially intact, pressure or vacuum gauges from which elemental mercury has been drained;

b. Elemental mercury or clean-up residues resulting from spills or leaks associated with handling pressure or vacuum gauges; and/or

c. Other wastes generated as a result of handling pressure or vacuum gauges.

2. Manage, in compliance with all applicable requirements of this chapter, an intact, or partially intact, pressure or vacuum gauge from which elemental mercury has been drained, if that pressure or vacuum gauge exhibits a characteristic of hazardous waste.

3. Manage, in compliance with all applicable requirements of this division, elemental mercury and/or clean-up residues resulting from spills or leaks, and/or other wastes, if the elemental mercury, clean-up residues, and/or other wastes exhibit a characteristic of hazardous waste. The universal waste handler is considered the generator of the elemental mercury, clean-up residues, and/or other wastes and shall manage them pursuant to chapter 12 of this division.

4. Manage, in any way that complies with all applicable federal, state and/or local solid waste regulations, an intact, or partially intact, pressure or vacuum gauge, elemental mercury and/or clean-up residue, and/or other waste if they do not exhibit a characteristic of hazardous waste.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.73 to read:

§66273.73. Authorization for Treatment (Processing) Activities.

(a) Treatment of electronic devices.

(1) A universal waste handler described in subsection (a)(1)(A) of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (a)(1)(B) of this section, provided the universal waste handler complies with the requirements specified in subsections (a)(1)(B) and (a)(1)(C) of this section.

(A) The universal waste handler treats electronic devices and produces only residuals that, if they exhibit any hazardous waste characteristic described in article 3 of chapter 11 of this division, and meet either of the following criteria:

1. They meet the definition of scrap metal in section 66260.10; or
2. They qualify for management as universal wastes pursuant to this chapter.

(B) The universal waste handler treats electronic devices by: conducting activities other than, or in addition to, the removal activities authorized in section 66273.71 or the disassembling/draining activities authorized by section 66273.72; and using only one or more of the methods allowed pursuant to subsection (c) of this section.

(C) The universal waste handler complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (a)(1):

1. The notification, annual reporting, and recordkeeping requirements specified in section 66273.74; and
2. The standards specified in section 66273.75.

(2) A universal waste handler described in subsection (a)(2)(A) of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (a)(2)(B) of this section, provided the universal waste handler complies with the requirements specified in subsections (a)(2)(B) and (a)(2)(C) of this section.

(A) The universal waste handler treats electronic devices and produces residuals that exhibit a hazardous waste characteristic described in article 3 of chapter 11 of this division and meet both of the following criteria:

1. They do not meet the definition of scrap metal in section 66260.10; and
2. They do not qualify for management as universal wastes pursuant to this chapter.

(B) The universal waste handler treats electronic devices by: conducting activities other than, or in addition to, the removal activities authorized in section 66273.71 and the disassembling/ draining activities authorized in section 66273.72; and using only one or more of the methods allowed pursuant to subsection (c) of this section.

(C) The universal waste handler complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (a)(1):

1. The notification, annual reporting, and recordkeeping requirements specified in section 66273.74;

2. The standards specified in section 66273.75;
3. The closure plan and financial requirements specified in section 66273.76;
and
4. When applicable, the closure requirements specified in section 66273.77.
(b) Treating CRTs and/or CRT glass.
A universal waste handler described in subsection (b)(1) of this section shall be deemed authorized by the Department to conduct the activities identified in subsection (b)(2) of this section, provided the universal waste handler complies with the requirements specified in subsections (b)(2) and (b)(3) of this section.
(1) The universal waste handler treats CRTs, breaking the CRTs' glass.
(2) The universal waste handler treats CRTs by: conducting activities other than, or in addition to, the disassembling/ draining activities authorized by section 66273.72, subsections (b) or (c); and using only one or more of the methods allowed pursuant to subsection (c) of this section.
(3) The universal waste handler complies with all of the following requirements in addition to the requirements of section 66273.33.5, subsection (b)(1) and section 66273.33.5, subsection (c)(1):
(A) The notification, annual reporting, and recordkeeping requirements specified in section 66273.74;
(B) The standards specified in section 66273.75;
(C) The closure plan and financial requirements specified in section 66273.76; and
(D) When applicable, the closure requirements specified in section 66273.77.
(c) Electronic device and CRT treatment methods allowed.
(1) Except as otherwise provided in subsection (c)(2) of this section, one or more of the following treatment methods is eligible for authorization pursuant to this section, if performed by a universal waste handler described in subsections (a) and/or (b) of this section:
(A) Physical treatment that changes only the physical properties of electronic devices and/or CRTs, such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting (e.g., screening to separate different particle sizes of the same component);
(B) Physical separation based on differences in physical properties such as size, color, density, or ferromagnetism (e.g., screening to separate different components based on differences in their sizes);
(C) Use of a pinpoint torch or hot wire to check (i.e., thermally crack) CRTs for glass separation; and/or
(D) Sampling, burning (ashing) and ball-milling of samples of electronic devices and/or treatment residues thereof [i.e., shredded circuit boards excluded under 40 C.F.R. sec. 261.4(a)(13)] provided the sample size does not exceed 250 kg, and no more than 250 kg (one sample) is subject to thermal assay per 24 hour period.
(2) Any treatment activity identified in subsection (c)(1) of this section is not eligible for authorization pursuant to this article, but is instead subject to all applicable requirements of chapters 14, 15, 16, 18, 20, and 22 of this division, if the treatment activity involves:

(A) The use or application of:

1. Chemicals, including water, other than coolant recirculated in CRT cutting machines; and/or

2. External heat.

(B) Except as specifically provided in subsection (c)(1)(D), the onsite treatment of the residuals resulting from the activities authorized by section 66273.73, subsection (a)(1) or (a)(2).

(C) The treatment of any electronic device containing PCBs, a medical waste, a radioactive material, a reactive material, or an ignitable material.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.74 to read:

§66273.74. Notification, Annual Reporting, and Recordkeeping.

(a) Notification.

(1) Universal waste handlers of electronic devices and/or CRTs.

Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who intends to treat any electronic device and/or CRT pursuant to this article shall submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written notification containing the following information no later than 30 calendar days prior to treating any electronic device and/or CRT:

(A) Name of universal waste handler;

(B) Telephone number of universal waste handler;

(C) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;

(D) If different from the notifier pursuant to this subsection (a), the name and mailing address of the organization (as authorized to transact business in California) that owns and/or operates the facility;

(E) Name, business telephone number, and e-mail address (if available) of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Facility ID Number, if issued;

(G) A general description of the source(s) of electronic devices and/or CRTs [e.g., residential collection(s), other collector(s), etc.];

(H) Type(s) of electronic devices and/or CRTs expected to be treated;

(I) A description of the treatment process(es) to be used; and

(J) Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the facility operator is treating electronic devices and/or CRTs at the facility.

(2) Universal waste handlers of mercury ampules, mercury switches, and/or pressure or vacuum gauges: Any universal waste handler who intends to treat any equipment containing mercury ampules and/or mercury switches, and/or to treat any pressure or vacuum gauge, pursuant to this article is not required to notify the Department pursuant to this section.

(b) Annual reporting.

(1) Universal waste handlers of electronic devices and/or CRTs.

Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who treated any electronic device and/or CRT pursuant to this article in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (b)(1)(A) through (b)(1)(J) of this section. The information submitted shall cover the electronic device treatment and CRT treatment activities conducted during the previous calendar year.

(A) Name, mailing address (and physical address, including county, if different from the mailing address), and telephone number of the universal waste

handler;

(B) A description of the facility;

(C) Name and mailing address of the organization (as authorized to transact business in California) that owns and/or operates the facility;

(D) Name, title, telephone number, and e-mail address (if available) of the contact person at the universal waste handler's physical address who should be contacted regarding universal waste management activities at that location;

(E) Facility ID Number, if issued;

(F) Number of days the facility operated;

(G) Types of electronic devices and/or CRTs treated at the facility;

(H) Treatment method used for each type of electronic device and/or CRT treated at the facility;

(I) The following quantities treated, which include any quantities treated but not shipped:

1. The total quantity of CRT devices (count) treated during the previous calendar year;

2. The total quantity of CRTs (count) treated during the previous calendar year; and/or

3. The total quantity of electronic devices other than CRT devices (count or weight) treated during the previous calendar year.

(J) A list consisting of:

1. The name, address, and telephone number for each of the locations to which the universal waste handler shipped CRT glass, scrap metal, yokes, universal waste, and/or exempt materials during the previous calendar year; and

2. The following quantities shipped to each of those locations:

a. The total quantity of CRT glass (weight) shipped to that location during the previous calendar year, including in this case a declaration of whether that location is a CRT glass manufacturer and/or either a primary lead smelter or a secondary lead smelter;

b. The total quantity of scrap metal (weight) from all treatment activities reported pursuant to this subsection shipped to that location during the previous calendar year;

c. The total quantity of yokes (weight) shipped to that location during the previous calendar year;

d. The total quantity of universal waste (weight) shipped to that location during the previous calendar year; and/or

e. The total quantity of exempt materials (weight), excluding scrap metal and yokes reported pursuant to this subsection, shipped to that location during the previous calendar year.

(K) Whenever necessary, a universal waste handler who utilizes a mass-based inventory system to quantify CRTs, CRT devices, or electronic devices other than CRT devices, may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill the annual reporting requirement of this subsection (b). A universal waste handler who performs such a data conversion(s) shall indicate that the count data were derived from mass data and shall include the conversion factor(s) used in the annual report.

(2) Universal waste handlers of mercury ampules, mercury switches, and/or pressure or vacuum gauges: Any universal waste handler who treated any equipment containing mercury ampules and/or mercury switches, and/or treated any pressure or vacuum gauge, pursuant to this article is not required to submit an annual report to the Department pursuant to this section.

(c) Recordkeeping.

(1)(A) Universal waste handlers of electronic devices and/or CRTs. Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who treats any electronic device and/or CRT pursuant to this article shall maintain on file at the universal waste handler's facility, the following documents as specified:

1. A copy of the notification submitted to the Department as required by subsection (a) of this section, beginning no later than 30 days prior to treating any electronic device and/or CRT at the universal waste handler's facility;

2. A copy of the most recent annual report submitted to the Department as required by subsection (b) of this section, beginning no later than February 1 of the year following the most recent calendar year during which the universal waste handler treated any electronic device and/or CRT at the universal waste handler's facility pursuant to this article; and/or

3. A current copy of any local air district permit and/or other relevant permit required for the facility, beginning no later than the date on which the local air district and/or other relevant permitting authority required the universal waste handler to possess such a permit.

(B) The universal waste handler shall make available the relevant documents identified in subsections (c)(1)(A)1. through (c)(1)(A)3. of this section at the universal waste handler's facility upon request, to any representative of the Department, USEPA, or a local governmental agency having jurisdiction over the facility.

(C) The universal waste handler shall either deliver in person or send to the Department by certified mail, return receipt requested, a copy of any relevant document identified in subsection (c)(1)(A)3. of this section upon receipt of a written request from the Department. The Department shall specify in its written request all of the following: the identities of the documents of which copies are required; the place where those copies shall be delivered or sent; and the date by which those copies shall be submitted.

(2) Universal waste handlers of mercury switches. Except as otherwise provided in sections 66273.71 and 66273.72, a universal waste handler who removes mercury switches from vehicles and/or household appliances shall keep records, on paper or electronically, of the removal of mercury switches from vehicles and/or household appliances for at least three years from the date of removal. The records shall include, at a minimum, the following information:

(A) The total number of vehicles crushed, baled, sheared, or shredded;

(B) The total number of appliances destined for shredding;

(C) The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;

(D) The number of mercury switches removed from these vehicles and appliances; and

(E) The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(d) Notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

(e) If submitted electronically, notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be addressed to the Department at <http://www.dtsc.ca.gov>. For electronic notifications and annual reports made pursuant to this section, the universal waste handler signature required by subsection (d) of this section shall be submitted to the address provided in subsection (f) of this section.

(f) If submitted in writing, notifications and annual reports required pursuant to subsections (a) and (b) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 26219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.75 to read:

§66273.75. Treatment (Processing) Standards.

A universal waste handler who treats electronic devices and/or CRTs pursuant to section 66273.73 shall comply with the following standards:

(a) Treatment.

The universal waste handler shall:

(1) Utilize only treatment methods identified in section 66273.73, subsection (c);

(2) Ensure that all mercury-containing lamps, PCB capacitors, and other components containing fluids (i.e., liquids or gases) that would be identified as hazardous wastes, are removed prior to treatment methods that may release the fluids such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting;

(3) Conduct treatment activities over, or in, a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any materials that might be released to the environment under reasonably foreseeable conditions.

(4) Ensure that all hazardous wastes generated from treatment activities and sent offsite for disposal are managed (i.e., manifested) in accordance with the applicable requirements of article 2 of chapter 12 of this division.

(5) Comply with the requirements of sections 66265.18 and 66265.25 of chapter 15 of this division to the extent that those requirements apply to facility location and design standards.

(6) Ensure that all treatment is conducted in compliance with all applicable state and local air pollution control laws and regulations.

(7) Treat electronic devices only for the purpose of recycling one or more of their components and ensure that all treatment residuals meeting the definition of scrap metal in section 66260.10 are recycled and that all treatment residuals meeting the definition of CRT glass in section 66273.9 are recycled as specified below.

(8) Treat CRTs only for the purpose of recycling one or more types of CRT glass and ensure that the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.

(9) Not accept for treatment, any electronic devices or CRTs that are managed, or that are required to be managed, as hazardous wastes pursuant to chapters 10 through 16, 18, 20 and 22 of this division, unless authorized to do so pursuant to a hazardous waste facility permit or other authorization granted by the Department pursuant to those chapters.

(b) Containment of residuals.

(1) The universal waste handler shall manage all residuals produced from treating electronic devices and/or CRTs, in a manner that prevents a release to the environment of any universal waste or any component thereof, as follows:

(2) Contain any residuals that are produced from treating electronic devices

and/or CRTs, in a manner that prevents releases of hazardous residuals to the environment under reasonably foreseeable conditions.

(3) Clean up and immediately place in a container any electronic device and/or CRT that is accidentally or unintentionally broken and that might reasonably be expected to cause a release to the environment under reasonable foreseeable conditions. Such containers shall be structurally sound, be compatible with the contents of the electronic devices and/or CRTs, and prevent releases under reasonably foreseeable conditions.

(c) Management of residuals.

(1) The universal waste handler shall ensure that all residuals produced from treating electronic devices and/or CRTs are properly classified and managed in accordance with any applicable requirements of this division (i.e., determine whether these residuals would be identified as hazardous waste in chapter 11 of this division).

(2) A universal waste handler whose treatment of electronic devices and/or CRTs generates scrap metal as defined in section 66260.10 shall ensure all such residuals are recycled.

(3) A universal waste handler whose treatment of electronic devices and/or CRTs generates CRT glass as defined in section 66273.9 shall ensure that all residuals are sent to a CRT glass manufacturer or to a primary or secondary lead smelter and recycled.

(d) Worker safety.

(1) A universal waste handler, who treats electronic devices and/or CRTs, shall be thoroughly familiar with the hazards associated with such treatment, have access to the proper procedures and protective equipment necessary to conduct the treatment safely, use such protective equipment if required by any applicable health and safety requirements, and comply with the requirements of this section;

(2) A universal waste handler, who treats electronic devices and/or CRTs, shall ensure that the universal waste handler's facility is operated in compliance with all applicable health and safety laws and regulations [e.g., Cal. Code Regs., tit. 8, ch. 4 (Division of Industrial Safety), subch. 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), art. 107 (Dusts, Fumes Vapors and Mists), and art. 109 (Hazardous Substances and Processes), and sec. 5198 (Lead)].

(e) Zoning.

(1) A universal waste handler, who treats electronic devices and/or CRTs using any of the methods allowed pursuant to this section, shall ensure that such treatment is consistent with local zoning requirements and land use patterns applicable to the universal waste handler's facility.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; Sections 42479, Public Resources Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.76 to read:

§66273.76. Closure Plan and Financial Requirements.

(a) Except as otherwise provided in subsections (a)(4) and (b)(5) of this section, and in addition to the universal waste handler notification required pursuant to section 66273.74, subsection (a), a universal waste handler who intends to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) shall submit the information specified in subsections (a)(1) through (d) of this section to the Department in the manner and at the address given in subsections (e) and (f) of this section, no later than 30 calendar days prior to initially conducting those treatment activities:

(1) Closure plan.

A universal waste handler shall prepare and submit a closure plan. When used in this chapter, "closure plan" means a written plan that identifies the activities and schedules for closing one or more universal waste treatment units at any point during the active life of a universal waste handler's facility. The closure plan shall address closing the universal waste treatment unit(s) at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive. The closure plan shall include all of the following:

(A) A detailed description of the activities and schedule that are needed to decontaminate or remove at the time of closure:

1. Each universal waste treatment unit;
2. All other contaminated equipment, such as ventilation systems and containment units;
3. Contaminated structures;
4. Contaminated soils; and
5. All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals.

(B) The description required by subsection (a)(1)(A) of this section shall identify all areas where sampling and testing will be conducted to verify the decontamination or removal of the items listed in that subsection.

(C) An estimated maximum inventory of universal wastes and universal waste treatment residuals ever to be present onsite, and a detailed description of the boundaries of the universal waste accumulation area(s), universal waste treatment unit(s), and treatment-residual storage area(s).

(2) A universal waste handler shall modify the closure plan required by subsection (a)(1) of this section whenever a change affecting the closure plan and specified in subsection (a)(2)(A) of this section occurs. The universal waste handler shall submit the modified closure plan to the Department in the manner and at the address given in subsections (e) and (f) of this section within the applicable time period specified in subsection (a)(2)(B) of this section.

(A) A change is a change in the type of treatment activity or an increase in facility capacity greater than 10 percent.

(B) The applicable time period is at least 30 calendar days prior to any

planned change in facility design or operation, or no longer than 30 calendar days after an unexpected change has occurred.

(3) A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the closure plan prepared for the facility in accordance with subsection (a)(1) of this section.

(4) Universal waste handlers who notify the Department of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) on or before [OAL to insert effective date of these regulations] shall submit the closure plan required by subsection (a)(1) of this section on or before December 31, 2008.

(b)(1) Cost estimate for closure.

A universal waste handler shall prepare and submit a cost estimate for closure. For purposes of this chapter, a cost estimate for closure (or closure cost estimate) means a document that specifies the estimated cost of closing a universal waste treatment facility, and it includes the respective costs of universal-waste inventory disposition, equipment decontamination or removal, laboratory testing, and other relevant costs. The cost estimate for closure shall address closing the universal waste treatment unit(s), shall be prepared pursuant to the closure plan required pursuant to subsection (a)(1) of this section, and shall:

(A) Conform with subparagraphs (A)1. and (A)2. of this subsection (b)(1):

1. Do both of the following:

a. Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals ever to be present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section.

b. Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler.

2. Not do either of the following:

a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or

b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

(2) At least annually, a universal waste handler shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (d) of this section. For a universal waste handler using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within 90 calendar days after the close of the universal waste handler's fiscal year and before

submission of updated information to the Department as specified in section 66265.143, subsection (e)(3). The adjustment shall be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business, as specified in section 66265.142, subsections (b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

(3) A universal waste handler shall revise the closure cost estimate no later than 30 days after any revision has been made to the closure plan pursuant to subsection (a)(2) of this section which increases the cost of closure.

(4) A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the latest closure cost estimate prepared for the facility in accordance with subsection (b)(1) of this section.

(5) Notwithstanding subsection (b)(2) of this section, universal waste handlers who notify the Department of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2) and (b) on or before [OAL to insert the effective date of these regulations], shall submit a revised cost estimate for closure as required by this subsection on or before December 31, 2008.

(c) Financial responsibility for liability.

A universal waste handler shall prepare and submit documentation demonstrating financial responsibility for liability pursuant to section 66265.147.

(d) Financial assurance.

A universal waste handler shall prepare and submit documentation demonstrating financial assurance for closure to fund the cost estimate for closure, pursuant to section 66265.143, subsections (a) through (h).

(e) The documents submitted pursuant to this section shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

(f) When submitted to the Department, the documents required pursuant to this section shall be sent by certified mail, return receipt requested, to the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities, Authorized Treatment" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Add California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.77 to read:

§66273.77. Closure of Universal Waste Treatment Facilities.

(a) Closure notification.

A universal waste handler who intends to close a universal waste treatment facility or any universal waste treatment unit and who conducts any of the treatment activities described in section 66273.73, subsection (a)(2) or (b) shall:

(1) Submit to the Department in the manner and at the address given in subsections (c) and (d) of this section, a notification containing the following information:

(A) The date of the last day on which the universal waste handler intends to conduct the treatment activities specified in section 66273.73, subsection (a)(2) or (b);

(B) The date of the last day on which the universal waste handler intends to conduct handling activities other than the treatment activities specified in section 66273.73, subsection (a)(2) or (b) at the facility, if applicable; and

(C) The date the universal waste handler intends to complete the closure activities described in the handler's closure plan and/or, if applicable, vacate the facility.

(2) Submit the required notification to the Department within 30 calendar days before the earliest applicable date specified pursuant to subsection (a)(1) of this section.

(b) Department response to closure notification.

(1) Upon receipt of the closure notification, the Department shall notify the universal waste handler in writing whether the universal waste handler is required to continue to maintain financial assurance for closure of the facility. The Department shall send such notification within 60 calendar days after completion of the later of the following:

(A) Receipt by the Department of a summary of closure activities completed by the universal waste handler, including both of the following:

1. Any sample data submitted by the universal waste handler confirming that all units, surfaces, and areas have been decontaminated. The submittal shall include a facility plot plan that identifies where the samples were taken.

2. A letter from the universal waste handler that provides self-certification that the facility has been closed pursuant to the universal waste handler's closure plan required by section 66273.76, subsection (a)(1). The letter shall include the date(s) when the applicable events described in subsections (a)(1) through (a)(2) above actually occurred; or

(B) A facility inspection report, if issued by the Department, verifying closure of the facility pursuant to the universal waste handler's closure plan required by section 66273.76, subsection (a)(1).

(2) If, based on the information obtained pursuant to subsection (b)(1) of this section, the Department finds that closure of the facility has not been completed in accordance with the universal waste handler's closure plan, the Department shall

provide to the universal waste handler in writing, a detailed written statement setting forth:

(A) the Department's reason(s) for that finding; and

(B) the Department's request for additional information to be provided by the universal waste handler to demonstrate that the closure activities necessary to close the facility pursuant to the universal waste handler's closure plan, as submitted pursuant to section 66273.76, have been completed.

(c) The documents submitted pursuant to this section shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

(d) When submitted to the Department, documents required pursuant to this section shall be sent by certified mail, return receipt requested, to the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, article 7 (Standards for CRT Material Handlers) and section 66273.80 to read:

~~§66273.80. Applicability.~~

~~This article applies to CRT material handlers (as defined in section 66273.9) except for households and conditionally exempt small quantity universal waste generators, as provided in section 66273.8.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.81 to read:

~~§66273.81. Prohibitions.~~

~~A CRT material handler is:~~

~~(a) Prohibited from disposing of the CRT material; and~~

~~(b) Prohibited from diluting or treating the CRT material, unless the handler is responding to a release as provided in section 66273.87 or the handler is managing specific wastes as provided in section 66273.83.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.82 to read:

~~§66273.82. Notification Requirements for CRT Material Handlers.~~

~~(a) A CRT material handler that accepts five or less CRTs, five or less CRT devices, or 100 kilograms or less of CRT glass per calendar year from offsite sources is not required to notify the Department of universal waste handling activities.~~

~~(b) A CRT material handler that accepts more than five CRTs or more than five CRT devices or more than 100 kilograms of CRT glass per calendar year from any offsite source shall, by February 1 of each calendar year, commencing February 1, 2004, submit written or electronic notification containing the information specified in subsection (d) to the Department. For written notifications, the notification shall be submitted by certified mail, return receipt. The information submitted under this subsection shall cover CRT material handling activities during the previous calendar year.~~

~~(c) A CRT material handler that generates 5,000 kilograms (about 200 CRTs) or more of CRT material (CRTs, CRT devices and CRT glass calculated collectively) per calendar year shall, by February 1 of each calendar year, commencing with February 1, 2004, submit written or electronic notification containing the information specified in subsection (d) to the Department. For written notifications, the notification shall be submitted by certified mail, return receipt. The information submitted under this subsection shall cover CRT material handling activities during the previous calendar year.~~

~~(d) This notification shall include:~~

~~(1) The CRT material handler's name and mailing address;~~

~~(2) The name and business telephone number of the person at the CRT material handler's site who should be contacted regarding universal waste management activities;~~

~~(3) The address or physical location including the county of the CRT material management activities;~~

~~(4) The total quantity of CRTs (count), the total quantity of CRT devices (count) and the total quantity of CRT glass (weight) handled during the previous year;~~

~~(5) A list including the names, addresses, and phone numbers of each location that the handler shipped CRTs to during the previous year and the total quantity of CRTs (count) shipped to each location;~~

~~(6) A list including the names, addresses, and phone numbers of each location that the handler shipped CRT devices to during the previous year and the total quantity of CRT devices (count) shipped to each location;~~

~~(7) A list including the names, addresses, and phone numbers of each location that the handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location.~~

~~(e) Whenever necessary, handlers who use mass based inventory systems may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill this notification requirement. Handlers who perform data conversions shall indicate that the count data was derived from mass data and~~

shall include the conversion factor(s) used in their notification.

(f) ~~Notifications submitted under this section by mail shall be sent to the following address: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification of CRT Materials Handling Activities" prominently displayed on the front of the envelope.~~

(g) ~~Notifications submitted under this section electronically shall be submitted to www.dtsc.ca.gov.~~

NOTE: ~~Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.83 to read:

~~§66273.83. Waste Management.~~

~~(a) Containment.~~

~~A CRT material handler shall manage CRT materials in a manner that prevents release of any CRT material or component of a CRT material to the environment, as follows:~~

~~(1) A CRT material handler shall contain any CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container (CRTs, CRT devices and CRT glass). Such containers and packages shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. A CRT material handler who manages whole CRT devices in a manner that prevents breakage of the CRT and release of CRT glass (e.g. shrink wrapped on a pallet) shall be considered to comply with this requirement.~~

~~(2) A CRT material handler shall immediately clean up and place in a container any CRTs, CRT devices and CRT glass that is broken and shall place in a container any CRTs, CRT devices and CRT glass that shows evidence of breakage, leakage, or damage that could cause the release of lead or other hazardous constituents to the environment. Containers shall be structurally sound, and compatible with the contents of the container (CRTs, CRT devices and CRT glass) and shall lack evidence of leakage, spillage or damage that could cause the release of glass or other hazardous constituents to the environment under reasonably foreseeable conditions.~~

~~(b) CRT removal.~~

~~(1) A CRT material handler may remove CRTs from CRT devices provided the handler:~~

~~(A) Removes the CRTs in a manner designed to prevent breakage of the CRTs;~~

~~(B) Removes the CRTs only over or in a containment device (e.g., a tray, a box, or an enclosed machine) sufficient in size and construction to contain any CRT glass that may be released in the event of breakage;~~

~~(C) Ensures that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to safely remove CRTs;~~

~~(D) Packages the removed CRTs in a container with sufficient packing materials to prevent breakage during handling, storage and transportation.~~

~~(2) A CRT material handler who removes CRTs from CRT devices shall determine whether any of the remaining portion of the CRT device or any other waste generated during the removal process exhibits any characteristic of a hazardous waste identified in article 3 of chapter 11 and, if so, shall manage the hazardous waste in compliance with all applicable requirements of this division.~~

~~(c) CRT material treatment and recycling.~~

~~A CRT material handler may treat or recycle CRTs, CRT devices or CRT glass provided the handler:~~

~~(1)(A) Submits notifications to the Department pursuant to subparagraphs 1 and 3.~~

~~1. For a facility that treats or recycles CRT material, the CRT material handler at~~

that facility shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 2 no later than 30 days prior to treating or recycling any CRT material.

~~2. This notification shall include:~~

- ~~a. The information specified in subsections 66273.82(d)(1), (d)(2), and (d)(3);~~
- ~~b. The name, mailing address and telephone number of the owner of the facility;~~
- ~~c. A description of the type of CRT material treated;~~
- ~~d. A description of the treatment processes used;~~
- ~~e. Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting CRT waste treatment or recycling operations at the facility;~~

~~3. For a facility that treated or recycled CRT material pursuant to this subsection, the CRT material handler at that facility shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 4 no later than 30 days prior to ceasing treatment or recycling activities at the facility, and shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified in subparagraph 5 no later than 30 days after ceasing treatment or recycling activities at the facility.~~

~~4. This notification shall include:~~

- ~~a. The date when the CRT material handler expects to complete CRT material treatment or recycling activities;~~
- ~~b. The date when the CRT material handler expects to complete CRT material handling activities at the facility, if applicable; and~~
- ~~c. The date when the CRT material handler expects to close or vacate the facility.~~

~~5. This notification shall include:~~

- ~~a. The date of the last day on which the CRT material handler conducted CRT material treatment or recycling activities;~~
- ~~b. The date of the last day on which the CRT material handler conducted CRT material handling activities at the facility, if applicable; and~~
- ~~c. The date the CRT material handler closed or vacated the facility.~~

~~(B) Completes, signs and dates each notification required by this paragraph in accordance with the requirements of section 66270.11 as those requirements apply to permit applications;~~

~~(2) Prepares and maintains records of a cost estimate for closure pursuant to section 66265.142 by no later than 30 days prior to recycling or treating any CRT material;~~

~~(3) Submits to the Department, by certified mail, with return receipt requested, documentation demonstrating financial assurance for closure pursuant to section 66265.143 no later than 30 days prior to recycling or treating any CRT material;~~

~~(4) Submits to the Department, by certified mail, with return receipt requested, documentation demonstrating financial responsibility for liability pursuant to section 66265.147 no later than 30 days prior to recycling or treating any CRT material;~~

~~(5) Prepares and maintains the documents specified in subparagraphs (5)(A) and (5)(B) at the facility by no later than 30 days prior to recycling or treating any CRT material. The CRT material handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local~~

governmental agency having jurisdiction over the facility. A copy of these documents shall be delivered in person or by certified mail, return receipt requested, to the Department when requested in writing. The written request from the Department shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.

(A) A copy of the most recent notification submitted as required by subsection (c).

(B) A copy of any local air district permit and other permits required for the facility.

(6) Prepares and submits an annual report to the Department. The annual report shall be delivered by certified mail, return receipt requested, to the Department by February 1 of each calendar year. The report shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for each CRT material handler who treated CRT materials during the previous calendar year:

(A) The name, address, physical location and a description of the facility;

(B) The mailing address of the business entity that owns and operates the facility;

(C) The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility;

(D) The facility EPA Identification number, if required;

(E) The number of days each facility operated;

(F) The total quantity (count or weight) of CRT devices treated or recycled by the handler during the previous year;

(G) The total quantity (count or weight) of CRTs treated or recycled by the handler during the previous year;

(H) A list including the names, addresses, and phone numbers of each location to which the handler shipped CRT glass to during the previous year and the total quantity of CRT glass (weight) shipped to each location;

(I) The treatment or recycling method used for each CRT material treated by the facility;

(7) Does not accept any CRTs, CRT devices or CRT glass that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division;

(8) Conducts the treatment for the purpose of recycling one or more types of CRT glass and the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter;

(9) Ensures all treatment is conducted over or in a containment device (e.g., a tray, box or enclosed machine) sufficient in size and construction to contain any CRT glass that may be released;

(10) Utilizes only treatment methods that employ one or more of the following technologies:

(A) physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, or compacting; and/or

(B) separation based on differences in physical properties such as size, color, or density; and/or

(C) screening to separate components based on size;

- ~~(11) Ensures the treatment is conducted without the use or application of:~~
~~(A) chemicals, including water, other than recirculated coolant used in CRT cutting machines; or~~
~~(B) external heat, other than the use of a pinpoint torch to thermally check (crack) the CRT glass for separation;~~
~~(12) Ensures that all persons that perform treatment or recycling are thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section;~~
~~(13) Ensures that the facility is operated in compliance with all applicable local and state air pollution control laws and regulations.~~
~~(14) Ensures that the facility is operated in compliance with all applicable worker health and safety laws and regulations [i.e., California Code of Regulations, title 8, subchapter 7 (General Industry Safety Orders), group 16 (Control of Hazardous Substances), article 107 (Dusts, Fumes, Vapors and Mists) and article 109 (Hazardous Substances and Processes), and section 5198 (Lead)].~~
~~(15) Ensures that all materials generated as a result of the treatment processes are properly classified and managed in accordance with the applicable requirements of this division.~~
~~(16) Ensures that the activities conducted at the facility are consistent with local zoning or land use requirements for that site.~~
~~(17) Maintains compliance with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.~~
~~(d) A handler that treats or recycles CRT materials pursuant to subsection (c) of this section shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.84 to read:

~~§66273.84. Labeling/Marking.~~

~~Each container or pallet in or on which CRTs, CRT devices or CRT glass are contained, including pallets that also contain items that are not waste, shall be labeled or marked clearly with one of the following phrases:~~

- ~~(a) For CRTs, "Universal Waste--CRT(s)" or "UW--CRT(s);"~~
- ~~(b) For CRT Devices, "Universal Waste--CRT Device(s)" or "UW--CRT Device(s);"~~
- ~~(c) For CRT Glass, "Universal Waste--CRT Glass" or "UW--CRT Glass."~~
- ~~(d) In lieu of labeling individual CRTs or CRT devices, a CRT material handler may accumulate CRTs and CRT devices within a designated area demarcated by boundaries that are clearly labeled as described above provided no other materials are stored within that area.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.85 to read:

~~§66273.85. Accumulation Time Limits.~~

~~(a) A CRT material handler may accumulate CRT material for no longer than one year from the date the universal waste is generated, or received from another handler.~~

~~(b) A CRT material handler who accumulates CRT material shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste or was received. The handler may make this demonstration by:~~

~~(1) Placing the CRT material in a container and marking or labeling the container with the earliest date that any CRT material in the container became a waste or was received;~~

~~(2) Marking or labeling each individual item of CRT material (e.g., each CRT or CRT device) with the date it became a waste or was received;~~

~~(3) Maintaining an inventory system on-site that identifies the date each CRT material became a waste or was received;~~

~~(4) Maintaining an inventory system on-site that identifies the earliest date that any CRT material in a group of CRT material items or a group of containers of CRT material became a waste or was received;~~

~~(5) Placing the CRT material in a specific accumulation area and identifying the earliest date that CRT material in the area became a waste or was received; or~~

~~(6) Any other method that clearly demonstrates the length of time that the CRT material has been accumulated from the date it became a waste or was received.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.86 to read:

~~§66273.86. Employee Training.~~

~~(a) A CRT material handler shall inform all employees who handle or have responsibility for managing CRT material of the proper handling and emergency procedures appropriate for the waste handled at the facility.~~

~~(b) Employees who manage or handle waste CRT materials shall receive initial training on:~~

~~(1) the hazards associated with handling CRT materials (i.e., leaded glass);~~

~~(2) the requirements contained in this chapter; and~~

~~(3) the proper procedures for responding to and managing releases of CRT glass.~~

~~(c) Employees shall take part in an annual review of the initial training required in subsection (b) of this section.~~

~~(d) The CRT material handler shall maintain records of employee training received under subsection (b) of this section for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.87 to read:

~~§66273.87. Response to Releases.~~

~~(a) A CRT material handler shall immediately contain all releases of CRT material and residues from CRT material.~~

~~(b) A CRT material handler shall determine whether any material resulting from a release is hazardous waste and, if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The CRT material handler is considered the generator of material resulting from a release, and shall manage it in compliance with chapter 12.~~

~~(c) Waste consisting only of residues of leaking, broken, or otherwise damaged CRT material may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.83.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.88 to read:

~~§66273.88. Off-Site Shipments.~~

~~(a) A CRT material handler is prohibited from sending or taking CRT material to a place other than another CRT material handler, a destination facility, or a foreign destination.~~

~~(b) If a CRT material handler transports CRT material off-site, the handler is a universal waste transporter for those transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the CRT material.~~

~~(c) If a CRT material being offered for off-site transportation meets the definition of a hazardous material under 49 CFR parts 171 through 180, a CRT material handler shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;~~

~~(d) Prior to sending a shipment of CRT material to another CRT material handler, the originating handler shall obtain an agreement from the receiving handler that it will receive the shipment.~~

~~(e) If a CRT material handler sends a shipment of CRT material to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:~~

~~(1) Receive the waste back when notified that the shipment has been rejected, or~~

~~(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.~~

~~(f) A CRT material handler may reject a shipment containing CRT material, or a portion of a shipment containing CRT material that is received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact and notify the originating handler of the rejection. The receiving handler shall:~~

~~(1) Send the shipment back to the originating handler, or~~

~~(2) Send the shipment to a destination facility (if agreed to by both the originating and receiving handler).~~

~~(g) If a CRT material handler receives a shipment of CRT material containing hazardous waste that is not a CRT material, the handler shall immediately notify the Department, in writing, of the shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.~~

~~(h) If a CRT material handler receives a shipment of non-hazardous, non-universal waste, the handler shall manage the waste in compliance with applicable federal, state and local solid waste regulations.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.89 to read:

~~§66273.89. Tracking Universal Waste Shipments of CRT Materials.~~

~~(a) Receipt of shipments.~~

~~A CRT material handler shall keep a record of each shipment of CRT materials received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of CRT material received shall include the following information:~~

~~(1) The name and address of the originating handler or foreign shipper;~~

~~(2) The quantity (count or weight) of each type of CRT material received (e.g., CRTs, CRT devices or CRT glass); and~~

~~(3) The date of receipt of the shipment.~~

~~(b) Shipments off-site.~~

~~A CRT material handler shall keep a record of each shipment of CRT material sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of CRT material sent shall include the following information:~~

~~(1) The name and address of the CRT material handler, destination facility, or foreign destination to whom the CRT material was sent;~~

~~(2) The quantity (count or weight) of each type of CRT material sent (e.g., CRTs, CRT devices, CRT glass);~~

~~(3) The date the shipment of CRT material left the facility.~~

~~(c) Record retention.~~

~~A CRT material handler shall retain the records described in this section for at least three years from the date of receipt or date of shipment of each shipment of CRT material.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code..~~

Repeal California Code of Regulations, title 22, division 4.5, chapter 23, section 66273.90 to read:

~~§66273.90. Exports.~~

~~(a) A CRT material handler who sends CRT material to any foreign destination shall concurrently notify the Department and send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such CRT material is scheduled to leave the United States. A completed notification shall be submitted four weeks before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.~~

~~(b) The notification submitted pursuant to subsection (a) shall be in writing, signed by the CRT material handler, and include the following information:~~

~~(1) name, mailing address, and telephone number of the CRT material handler;~~

~~(2) the foreign destination, for each type of CRT material (i.e., CRTs, CRT device, or CRT glass):~~

~~(A) the amount of CRT material (by count or by weight);~~

~~(B) the estimated frequency or rate at which the CRT material is to be exported and the period of time over which the CRT material is to be exported;~~

~~(C) all points of entry to and departure from each foreign country through which the CRT material will pass;~~

~~(D) a description of the means by which each shipment of CRT materials will be recycled at the foreign destination; and~~

~~(E) the name and site address of the consignee or any alternate consignee.~~

~~(c) Notifications submitted under this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, State Regulatory Programs Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export CRT Materials" prominently displayed on the front of the envelope.~~

~~NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.~~

Amend California Code of Regulations, title 22, division 4.5, chapter 31, section 67100.2 to read:

§67100.2. Applicability.

(a) This article applies to generators who, by site, routinely generate, through ongoing processes and operations, more than 12,000 kilograms of hazardous waste in the reporting year, or more than 12 kilograms of extremely hazardous waste in a reporting year.

(b) A generator may petition the Department of Toxic Substances Control in writing to exempt a hazardous waste stream. The generator shall provide documentation to demonstrate that no source reduction opportunities exist for the requested waste stream exemption. The Department shall public notice the proposed acceptance of any exemption petition. A minimum of 45 days shall be provided for public review and comment prior to the Department of Toxic Substances Control rendering any determination on a petition.

(c) The following hazardous wastes shall not be included in calculating the volume, or comparable weight of waste produced and are not subject to this article:

(1) The following exempted hazardous waste streams:

(A) Motor vehicle fluids and motor vehicle filters.

(B) Lead acid batteries.

(C) Household hazardous wastes, wastes from household collection events and wastes separated at community landfills.

(D) Waste pesticides and pesticide containers collected by County agricultural commissioners.

(E) Spent munitions and ordnance.

(F) Decommissioned utility poles.

(G) Oil generated from decommissioned refrigeration units.

(H) Mercury relays and low-level radioactive tubes generated from removal of telephone equipment.

(I) Lighting wastes including ballasts and fluorescent tubes.

(J) Hazardous wastes that are designated as universal waste in Section 66261.9

NOTE: Authority cited: Sections 25150, 25244.15 and 58012, Health and Safety Code. Reference: Sections 25177.5, 25244.12 et seq., 25244.15, 25244.16, 25244.19 and 25244.20, Health and Safety Code.